Chapter 1 CHAPTER 1 ADMINISTRATION AND PROGRAM OVERVIEW

This Administrative Plan outlines the policies and procedures to be followed in administering the Section 8 Programs implemented by the City of Marietta Housing Choice Voucher Program (hereinafter referred to as the City). The City must comply with the program regulations established by the U. S. Department of Housing and Urban Development (HUD). HUD regulations have precedence over all other regulations. This Administrative Plan and revisions thereto must be approved by the Marietta City Council. A copy of the Administrative Plan will be provided to HUD.

Section I. Objectives for Fair Housing and Equal Opportunity

The City strives to provide decent, safe and sanitary housing for very low income and families at affordable rent levels; promote freedom of housing choice and spatial deconcentration of very low income families; and provide an incentive to private property owners to rent to very low income families by offering timely housing assistance payments.

The City will comply with Federal, State, and local nondiscrimination laws; Title II of the Americans With Disabilities Act; the Fair Housing Act; Title VI of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; Executive Order 1103, Equal Opportunity in Housing; Section 504 of the Rehabilitation Act of 1973; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Section 8 Housing Programs.

To further its commitment to full compliance with applicable Civil Rights laws, the City will provide information to applicants and participants in the Section 8 Housing Choice Voucher Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Section 8 Programs office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The City will assist any family that believes they have suffered illegal discrimination by providing those copies of the housing discrimination form. If necessary, the City will assist them in completing the form and will provide them with the address of the local HUD Office of Fair Housing and Equal Opportunity.

The general approach is to inform the community of the services provided by the Section 8 Programs and to administer the program according to HUD rules and regulations and in a manner consistent with state law.

Section II. Income Targeting

At least 75% of all new admissions shall be families whose income at the time of admission does not exceed 30% of the area median income. Not more than 25% of the dwelling units that were available for occupancy under Section 8 before the effective date of the Housing and Community Development Amendments of 1981 shall be available for leasing by low income families other than very low income families. Not more than 15% of the dwelling units that become available for occupancy under Section 8 on or after the effective date of the Housing and Community Development Amendments of 1981 shall be available for leasing by low income families other than very low income families. The income limitations shall not apply to dwelling units made available under project based contracts under Section 8 for the purpose of preventing displacement, or ameliorating the effects of displacement.

Monitoring Program Performance

Program performance is monitored with data collected by the Section 8 Programs office and HUD and records maintained in files; periodic reports to the City; independent audits and reviews; and HUD management reviews. Access to records is provided to HUD and City officials upon request. Internal systems are developed to monitor routine work performance by the staff.

Section III. Housing Outside Areas of Poverty or Minority Concentration

Owners providing housing to the Section 8 Programs are encouraged to provide housing outside areas of poverty or minority concentration in order to provide more housing choices and to expand mixed housing opportunities in the community. Monitoring housing outside areas of poverty or minority concentration is encouraged by HUD. Periodic evaluations will be conducted to identify owner outreach for specific areas within the City's jurisdiction. Outreach to owners will include formal and informal discussions and meetings and printed publications. Exception rents will be granted within the City's jurisdiction for accessible properties and properties in suburban areas outside areas of poverty or minority concentration to promote housing outside areas of poverty or minority concentration. Recipients of Housing Choice Vouchers will be informed of the full range of areas where they may lease units and will be provided a list of participating landlords with properties outside areas of poverty or minority concentration list. Owner lists will be provided in the briefing packet and will be available at the Section 8 Programs office.

The City will comply with HUD regulations for record retention. All records, including forms and documentation, will be retained in the client file for a minimum of three years before disposition.

Section IV. Administrative Fee Reserves

Occasionally, it is necessary for the Section 8 Program to spend money out of its Section 8 Administrative Fee Reserve to meet unseen or extraordinary expenditures or for its other housing related purposes consistent with State law.

All expenditures will require prior City Council approval before any charge is made against the Section 8 Administrative Fee Reserve.

Privacy Rights

All adult program applicants and participants in each household must sign a release of information request annually. HUD Form 9886, Authorization for Release of Information of Information and Privacy Act Notice must be executed. The Notice states how family information will be released and includes the Federal Privacy Act Statement.

Section V. Core Values and Ethical Standards

The City shall maintain written standards of conduct governing the performance of its employees engaged in professionally performing public service and in all administrative functions. It is not the intent of the Code of Conduct to place unreasonable restraints on its employees or Council members with respect to their right to privacy and the performance of their jobs. Compliance with the Code of Conduct requires employees and Council members to act professionally and ethically in performing their respective duties for the City and when representing the City, to do so with integrity during office hours and at other official functions.

In accordance with Title 24 CFR Part 84 Subpart C Section 84.42, no employee, officer, agent or Council member shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, agent, Council member or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

The officers, employees, agents or Council members of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub agreements. In accordance with Title 24 CFR Part 982 Section 11, the City staff, its contractors and subcontractors may not enter into any contract or arrangement in connection with the tenant based programs in which any of the following classes of persons has any interests, direct or indirect, during his or her tenure with the City and for one year thereafter:

An employee of the City or any contractor, subcontractor or agent of the City who formulates policy or who influences decisions with respective programs; Any present or former council member; Any member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the City and its programs; or a member of the Congress of the United States.

Persons in the above categories must disclose their interest or prospective interest to the City and HUD. The conflict of interest prohibition may be waived for good cause by the HUD field office upon request from the City. With respect to procurement standards, the City and sub grantees will use the procurement procedures of the City that reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in Title 24 CFR Part 85 Subpart C Section 85.36. The City and sub grantees will maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders. No City staff member or Council Member shall solicit any gift or consideration of any nature, nor shall the staff member or Council Member accept or receive a gift from any person who has an interest in any business, proposed or pending with the City regardless of the type of gift.

Section VI. Penalties and Sanctions

In accordance with Title 24 CFR 85.3 (b) (3) and Title 24 CFR 905.10 (b), the City is responsible for establishing the administrative and disciplinary actions for violations of the Code of Conduct. Employee and Council member sanctions for misconduct may include:

Oral or written warnings or reprimands; Suspension with or without pay for specified periods of time; or Termination of employment.

The City shall implement the sanctions at its discretion depending on the severity of the breach of the Code of Conduct. The value of anything received by an employee or non-employee in breach of the ethical standards shall be recovered. The sanctions will be in accordance with due process requirements and existing laws. In addition, notice and an opportunity for a hearing shall be provided before imposing any suspension or termination of employment. Sanctions against contractors may include suspension and debarment.

Section VII. Reasonable Accommodations

People with disabilities may need a reasonable accommodation in applying or participating in the Section 8 Programs. It is the responsibility of the Section 8 Programs to make the program fully accessible to persons with disabilities. The City will makeavailable at all timesa Request for Reasonable Accommodation Form to all applicants and program participants since disabilities are not always apparent. Should the applicant or participant request reasonable accommodations and the City determines that the request is reasonable, the notification of approval or denial of the request will be in writing.

Considerations in approving reasonable accommodations include making a determination whether the requestor is a person with disabilities. A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such

impairment, or is regarded as having such an impairment (the impairment may not be apparent, i.e. heart condition) should be considered for assistance.

Verification of the disability will be requested by the City to determine that reasonable accommodation is related to the disability. The City will not inquire as to the nature of the disability.

The City will not increase the subsidy standard to accommodate separate bedrooms for children in the household. If additional bedroom subsidy is requested as a reasonable accommodation, the living/sleeping room will be counted to sleep one (1) person.

Should the participant desire to make physical modifications to the selected dwelling unit at their own expense as reasonable accommodation, the request should be made to the owner of the property. The City may grant a higher payment standard for units where property owners make physical modifications for persons with disabilities. The payment standard will not exceed 110% of the current Fair Market Rent.

Fair Housing for Disabled Families

Disabled families whose housing assistance is jeopardized due to a violation of Family Obligations or any grounds for termination may be offered an alternative to termination, including an offer to repay an overpayment through a one (1) year repayment agreement; removal of a disruptive family member; or the opportunity to relocate-depending on the nature of the offense.

Language Services fo

r Non English Speaking Applicants and Participants

Applicants and/or participants may need to communicate in sign language, Braille, or a language other than English. The applicant and/or program participant may use another family member or friend to translate. The City will be as accommodating as possible. The City will endeavor to have bilingual staff or access to people who speak languages other than English.

Required Postings

The City will post in a conspicuous place and at a height easily read by all persons, including persons with disabilities, the income limits for admission; address, telephone number, office hours, the TDD number and the name of a contact person for the Section 8 Programs, status of the waiting list, when applications will be received; access to the Section 8 Administrative Plan; grievance procedures; the Fair Housing Poster and the Equal Opportunity in Employment Poster.

Section XI. Intellectual Property Rights

No program receipts may be used to indemnify contractors or subcontractors of the City against costs associated with any judgment of infringement of intellectual property rights.

Section XII. Quality Control of the Section 8 Program

In order to maintain the appropriate quality standards for the Section 8 program, the City will, at least semi-annually, review files and records to determine if the work documented in the files or records conforms to program requirements. This shall be accomplished by a supervisor or another qualified person other than the one originally responsible for the work or someone subordinate to that person. The number of files and/or records checked shall be at least equal to the number specified in the Section 8 Management Assessment Program (SEMAP) for the size of the Section 8 Program.

Quality control reviews shall include, at a minimum, determinations that the proper families were selected from the waiting list; the families met the program eligibility criteria; rent reasonableness determinations are adequate; program participants are paying the appropriate rent; proper verifications of all data were obtained at admission and during program participation; HQS inspections were conducted timely and properly; and HQS deficiencies were corrected according to the specifications in this Administrative Plan and their selection criteria were actually met by the applicants.

The purpose of the quality control review is to determine staff capability and overall program performance. If the quality control review reveals a need for specific training for staff in any area, or if it is determined that a particular staff member is inefficient in performing the program requirements, training will be provided either as a group or individually, as the need dictates.

Section XIII.Program Integrity

HUD has identified deficiencies in program administration and estimates that more than ten percent of the assisted families are ineligible or are receiving benefits for which they do not qualify. The City is committed to maintaining program integrity and serving low and very low-income families who are eligible for the program benefits.

The staff will make every effort to inform families in order to avoid program violations. The City will initiate an investigation of a participating family upon evidence of possible fraud. Written complaints will be documented and the City will follow up on the complaints in an attempt to resolve the issue at hand. A copy of the allegation and the final disposition of the complaint will be placed in the file.

The City will follow HUD Program Integrity guidelines to ensure that the Section 8 Program is administered with best practices that meet program regulations, policies, procedures and statutes. The Things You Should Know program integrity bulletin will be furnished and explained to all applicants to promote understanding of program rules.

Mandatory orientation sessions will be conducted for program participants. The family representative will be required to certify in writing that program regulations were explained to them by signing the "Participant Certification" form contained in HUD's Participant Integrity Program Manual.

Section XIV. Participating Families in the Military Reserves and National Guard Units

The City supports part time military Reserve and National Guard units realizing that at times they are called into active duty. If a participating family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income. The landlord will be requested to approve the admission of the temporary guardian. The criminal background check will be waived in this instance until the temporary custodian actually moves into the unit. Should the guardian fail the criminal background check, the participating family may opt to search for another temporary guardian. The income of the guardian will not be considered in rent determination; however, the income of the family will be reevaluated to determine if a rent change is appropriate.

Federal regulations prohibit holding a unit that a family is not residing in for more than 180 consecutive calendar days. The military family may retain control of the unit by paying the required rent and returning to the unit within 30 calendar days after the active duty service concludes. The City will reinstate the family to the voucher program without the need to go through the waiting list.

Section XV. Anti-Fraud

Fraud is a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the City and resulting in inappropriate use of public funds and/or program violations. The most common fraud acts are the failure to report all sources of income and assets and allowing unauthorized persons to reside in the household.

Upon discovery of alleged fraud by a participating family, the family will be requested to repay the monies deemed appropriate; be terminated from the program; and/or be referred to the proper officials for criminal prosecution.

Chapter 2 CHAPTER 2

APPLICATIONS AND ADMISSIONS

The City of Marietta (CM) administers the tenant-based Housing Choice Voucher Program. Administration of this program is in compliance with the U.S. Department of Housing and Urban Development (HUD) regulations for the Housing Choice Voucher Program, as specified in 24 Code of Federal Regulations (CFR), Part 982. The City complies with all federal, state and local housing laws.

The objective of the voucher program is to provide decent, safe and sanitary housing to low-income Families otherwise unable to obtain adequate housing. The number of Families served is limited only by the funding available through federal programs, the City's budget and the availability of adequate housing.

The Housing Choice Voucher Program provides participating Families with greater choice of housing opportunities by subsidizing rental payments to private Landlords.

Through this program, the City helps low-income Families obtain quality housing within the City's geographical jurisdiction. City's jurisdiction refers to the entire City of Marietta and portions of Cobb County.

Through program administration, the City will:

- Ensure eligibility of participating Families;
- ensure Housing Quality Standards are enforced for all units under contract in the Housing Choice Voucher Program;
- Offer all current and future Housing Choice Voucher Program Families counseling and referral assistance to all Housing Choice Voucher Families residing in a unit in which payment to the Landlord is abated because of a failed inspection; and all other Housing Choice Voucher Families.
- make every effort to locate a substantial percentage of its Housing Choice Voucher Families in non-poverty areas; and
- Limit occupancy of The City's Housing Choice Voucher Families to no more than 30% of the total number of units at any apartment community, except when the owner has demonstrated the ability to effectively manage the complex and adhere to Housing Quality Standards.

Section I. Outreach to Families and Contact with Owners

The City will provide outreach activities that will produce a demographically mixed applicant pool. Pamphlets, brochures, newspaper ads, , or other similar types or notices will be utilized as needed in the outreach effort. To maximize participation of program participants and owners, the City will monitor the outreach process.

The City may contact senior citizen centers, property management firms, social service agencies, faith based organizations and other organizations serving eligible households in the City's jurisdiction. The voucher program Manager may appear at civic meetings to make program presentations.

The City provides information to owners who participate in or who are seeking information about the Section 8 Program through the website, bulletins posted in the lobby and the Partner Portal, an electronic communication program which allows access to landlord and family information constantly. Information packets, forms and newsletters are some of the features of the program. Owners may ask questions, obtain written materials, and meet the City staff. Owners of suitable units located outside of low-income or minority concentration will be encouraged to participate in the program. Also, owners of accessible units will be recruited for program participation. Owners are encouraged to use websites to advertise their available units.

Section II. Waiting List Applications

The City will use a hosted computer web-based application program to accept applications to the waiting list.

Public Notice and instructions will be announced in newspapers and public service radio bulletins well in advance of the time the waiting list will open.

Applicant's position on the waiting list will be determined by their claimed preference and the date and time of the original application.

Persons with disabilities may request reasonable accommodations for consideration by the City. The need for special accommodation must be verified by a physician or social service agency. At the discretion of the City, persons with disabilities will be assisted in completing the application.

Section III. Administration of the Waiting List and Processing of Applicants

Applications for the Housing Choice Voucher Program are accepted periodically. Specific dates, times and locations are announced by public notice in area newspapers, on local radio stations and posted in The City Administrative Offices.

A. Applications to the Waiting List

When the waiting list is opened, it will be open for a limited time to accept applications. Applications will be received electronically and hosted by the Emphasys Elite Web-App program. Public announcements posted at least fifteen (15) days in advance of the opening will include instructions on how to complete the simple online application and locations that provide free access to computers. A sample of the application will be posted on the City's voucher program web page.

Applicants may check their waiting list position through the on-line Applicant Portal.

The waiting list will be reopened when the remaining number of applicants falls below 500. The online application constitutes the basic record of Families applying for admission. When Applicants are selected from the waiting list, a complete hard copy application must be completed and signed. The original hard copy application will be placed in the Applicants' file.

B. Suspension of Applications

Acceptance of applications will be suspended on the exact date and time as announced. When the closing time is reached, the waiting list will automatically close.

The City may also close the waiting list for administrative purposes.

Section IV. Waiting List Preferences

Applicants are placed on the Housing Choice Voucher Waiting List based on Preferences and the date and time the online application is completed and accepted. The City has adopted the following preferences for placement on the waiting list. At the time of selection from the waiting list, Families must provide documentation to support the claimed preference.

A. Preference 1: Elderly or Disabled Head of Household or Spouse living in the City of Marietta.

Families whose head of household or spouse or sole member is age 62 or older, or is a person with government- determined disabilities as evidenced by receipt of Supplemental Security Insurance (SSI) payments or Social Security Administration benefits for disabled individuals.

B. Preference 2: Non Elderly/Disabled Families Working in the City of Marietta

Families working within the City of Marietta, including families with a member hired to work in the jurisdiction, will have priority over other working families.

C. Preference 3: Elderly or Disabled Head of Household living within Cobb County

Families whose head of household or spouse or sole member is age 62 or older, or is a person with government-determined disabilities as evidenced by receipt of Supplemental Security Insurance (SSI) payments or Social Security Administration benefits for disabled individuals

D. Preference 4: Non-Elderly/Disabled Families Working in Cobb County

Families who are working within Cobb County have preference over other working applicants.

Elderly or disabled families living outside Cobb County have no preference claim and will be placed on the waiting list by date and time of application.

Working families outside Cobb County will not be eligible to claim a preference and will be placed on the waiting list by date and time of application.

E. No Preference: Date and Time of Initial Application

After all applicants claiming a preference are placed, remaining applicants will be placed on the list by earliest date and time the application is accepted through the web application.

Section V. Organization of the Waiting List

The waiting list will be maintained as an official record and will be available for review by HUD at any time. At a minimum, the waiting list will include the following information:

- The Applicants' demographic information;
- The date and time of application;
- Claim for any local preferences.

A. Applicant Status While on the Waiting List

Applicants who are placed on the waiting list will be responsible for making address changes through the web-based Applicant Portal. The address changes will be updated before any selections are made from the waiting list.

B. Removal of Applicants from the Waiting List

The City will remove an applicant's name from the waiting list under the following circumstances: the applicant requests that his/her name be removed; the applicant does not meet either the eligibility or screening criteria for the program; the applicant fails to respond to a written request for information or a request to declare their continued interest in the program; and/or the applicant misses scheduled appointments. Exceptions may be granted for applicants with disabilities as defined in the Code of Federal Regulations at Title 24 CFR Part 5 Section 403.

The reason for all removals from the waiting list shall be carefully documented in the applicant's file. The file shall be retained for three years from the date the file is closed.

C. Purging the Housing Choice Voucher Waiting List

The City will not send out inquiries to Applicants for the purpose of determining continued interest. Names will be purged only if the Applicant fails to respond to invitations to an appointment; or as stated in Section V.B

Section VI. Selection from the Waiting list

A final determination of eligibility is made when the Applicant is selected from the waiting list, and the citizenship, income and Family composition is verified. Applicants are selected from the waiting list by preference in chronological order by date and time of application. Interview appointments are scheduled according to the date and time of application.

When a family has been selected from the waiting list, the City will notify the family by first class mail. The notice will inform the family of the following:

- Date, time, and location of the scheduled Eligibility Briefing;
- Who is required to attend the briefing;
- Documents that must be provided at the briefing to document the legal identity of household members, including information about what constitutes acceptable documentation; and
- Other documents and information that should be brought to the interview

If a notification letter is returned to the City, the family will be removed from the waiting list. A notice of withdrawal will be sent to the family's address of record.

A. Document Requirements

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial

B. Documentation of Preference

At the time of selection from the waiting list, applicants must provide verifiable documentation to support the claimed preference.

Preference 1 requires the birth certificate of the head of household or spouse; a disability benefit letter from Social Security Administration and proof of residency within the city limits.

Preference 2 requires a current record of employment. The head of household or other adult family member must be gainfully employed in a full time position within the city limits;

Preference 3 requires the birth certificate of the head of household or spouse; a disability benefit letter from Social Security Administration and proof of residency in Cobb County.

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Preference 4 requires a current record of employment. The head of household or other adult family member must be gainfully employed in a full time position within Cobb County.`

C. Documentation to Determine Eligibility

All Applicants are required to sign HUD's Form 9886, Authorization to Release Information Privacy Act Notice and disclose the social security number for each Family member If a social security number has never been issued for a Family member, the member must sign a certification statement that attests the information provided is accurate. The parent or guardian of a child or disabled adult must sign a certification statement for each person. The family will be allowed reasonable time to acquire the social security card.

If a Family member does not have the original Social Security card issued by the Social Security Administration, The City will advise families to obtain an original card and present it to the Section 8 office.

D. Documentation of Familial Relationship

Members of the Family must be related by blood, marriage, documented affinity or operation of the law as defined in The City Policy. Each Family member must provide documentation to verify the relationship to the Head of Household and the legal right to be assisted in the household. Acceptable documents include:

Certified Birth Certificates;

Certificates of birth issued by a physician, midwife or hospital;

Guardianship papers issued by a magistrate or judge;

Benefit Award Letters on behalf of a minor or disabled adult; or

Divorce decrees; Marriage Certificates; Legal Separation Notice

Joint banking accounts, leases or parentage of children

E. Income Limits

Income Limits are published annually, established according to household size, and based upon current fair market rent areas. Applicants' gross household income must be at or below the current HUD Income Limits at the time of selection. Applicants must provide documentation of all income from all sources during the eligibility briefing.

F. Families Permanently Barred from Eligibility

A family found guilty of program fraud and terminated from a housing program;

A family member engaged in or threatened abusive behavior toward City personnel;

A family with individuals convicted of manufacturing or producing methamphetamine (speed);

If a family member who engaged in drug-related criminal activity or violent criminal activity is no longer a member of the household, the elderly of disabled family may be considered for admission

A family member is listed as a registered sex offender;

A family that provides false information on their application;

A family member is listed as a convicted felon for drug-related or violent criminal activity.

For a household member other than the applicant with a record of an aforementioned conviction, The City may offer the elderly or disabled applicant an opportunity to remove that person from the household. The applicant must agree to sign a Prohibited Family Member form and must submit acceptable proof of that person's new residence.

The City will deny eligibility for assistance if the applicant does not remove the member in question from the household.

False information entered on an application regarding aforementioned felony convictions is grounds for permanent denial of eligibility.

F. Determination of Ineligibility

The City will notify all Applicants determined to be ineligible for assistance. Applicants will be notified in writing of the reason(s) for the determination and the right to request a review. Upon written request, Applicants subject to denial for criminal activity will be allowed to review a copy of the criminal records and have an opportunity to present information and evidence to dispute the charge to the HCV Manager prior to final determination.

Applicants who refute a denial for admission to the Housing Choice Voucher program will have the opportunity to present information and evidence to the HCV Manager or designee. The request for a review must be made in writing within ten (10) calendar days from the date of the written determination. An Applicant that fails to respond to the written notice within ten (10) calendar days will be ineligible for a review and/or appeal. If the Applicant fails to appear for a scheduled appointment, the denial will stand. The HCV Manager will conduct the review within fifteen (15) calendar days of the Applicant's request.

G. Informal Review

Once the review appointment date has been scheduled, the Applicant(s) may request to examine and have copies made of all documents, records, and the City policies that are relevant to the review. The City will make the copies at no expense to the Applicant. Any document not made available after requested by the Applicant may not be used or referred to by The City during the review.

The City may request to examine and copy all relevant documents that will be presented by the Applicant at the review hearing. If the Applicant does not make such documents available for examination on the request of the City, the Applicant may not rely on the document at the review.

The HCV Manager will review the file; document facts presented, and determine the disposition of the cases that are conducted.

The outcome of the Informal Review will be recorded in the Applicant's file. If the initial denial is overturned, the applicant's eligibility review status will be resumed from the point where previously denied. The Waiting list status will be updated without loss of position during the period of ineligibility. The HCV Manager will notify the Applicant of the outcome, in writing, within ten (10) calendar days after the Applicant's review/appeal.

H. Matters Not Subject to Appeal by Applicants

The City will not hear matters to:

Review discretionary administrative determinations by The City or to consider general policy issues or class grievances;

Review a determination of Families' unit size under The City subsidy standards;

Review The City's determination not to approve leasing a unit under the Housing Choice Voucher Program, or approve a proposed lease;

Review The City determinations that unit selected does not comply with HQS;

Review The City determination that a unit selected is not in accordance with HQS because of the size of the Family;

Review The City's determination to refuse to extend Families' voucher past the maximum time allowed under The City policy;

Review The City's schedule of utility allowances; and

Review The City's decision not to approve a unit or tenancy.

The City is will not render any decision that is in conflict with HUD regulations or The City policy. The HCV Manager or his/her designee shall ensure compliance with HUD regulations and The City policy.

Section VII. Admission to the City's Housing Choice Voucher Program

In accordance with Income Targeting requirements, seventy-five percent (75%) of the new admissions to the Housing Choice Voucher Program each year will have incomes at or below thirty percent (30%) of the area median income.

The City will consider all Applicants for admission who, at the time of selection from the waiting list, meet all of the following conditions and requirements established by HUD

To be eligible for the HCV program, the applicant family must:

Qualify as a family as defined by HUD and the PHA.

Have income at or below HUD-specified income limits.

Qualify on the basis of citizenship or the eligible immigrant status of family members.

Provide social security number information for family members as required.

Consent to the PHA's collection and use of family information as provided for in PHA-provided consent forms.

The City will determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the City.

A. Qualification as a Family

All applicants must meet one of the HUD definitions of a family:

Family is defined by HUD as a single person or a group of persons, a family with a child or children, two or more elderly or disabled persons living together, and one or more elderly or disabled persons, with one or more live-in aides. The City has the discretion to determine if any other group of persons qualifies as a family.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

A family with or without children: Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship. Children temporarily absent from the home due to placement in foster care are considered family members. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.

An elderly family, which is a family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or

one or more persons who are at least 62 years of age living with one or more live-in aides.

A near-elderly family, which is a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons who are at least 50 years of age but below the age of 62 living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

A disabled family, which is a family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. For purposes of qualifying for low-income housing, disabled family meets the HUD definition or other government-determined definition of disabled, and receives Supplemental Security Insurance (SSI) or other government sponsored disability payments; does not include a person whose disability is based solely on any drug or alcohol dependence.

A displaced family is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

A remaining member of a tenant family is a family member of an assisted family who remains in the unit when other family members have left the unit.

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

B. Household Members

The head of household is the adult member of the household whose income is considered for the purposes of determining income eligibility and rent and the household member who has the legal capacity to enter into a lease under State or local law.

The spouse of head means the marriage partner of the head, who in order to dissolve the relationship, would have to be divorced. Spouse includes the partner in a common law marriage but does not apply to boyfriends, girl friends, companions, significant others, co head, etc. A co-head is an individual in the household equally responsible for the lease with the head of household. A family may have a spouse or co head but not both. A co-head never qualifies as a dependent.

Live in attendants may be included in the family provided it is determined by the City to be essential to the care and well being of an elderly person, a near elderly person or a person with disabilities. Written verification specifying the need of a live in attendant from a reliable professional is required. The live in attendant is not obligated for the financial support or rent of the person(s). The live-in-aide must also meet the following criteria:

- 1. Is not an ex-spouse or co-head; and
- 2. Is an able bodied adult; and
- 3. Is not a current or previous member of the assisted household; and
- 4. Would not be living in the unit except to provide care of the family member; and

5. Is not ineligible to live in a federally assisted housing unit per 24 CFR 982.316

Live in aides are not subject to the non citizen rule requirements and may not be considered as a remaining member of the tenant family. The City has discretion of disapproval of a live in aide if the person commits fraud, bribery and any other corrupt or criminal act; commits drug related criminal activity or violent criminal activity; or the person currently owes rent or other amounts to the City or to another City in connection with the Section 8 Program or the public housing program.

C. Income Qualification

The gross annual household income must be documented and verified and may not exceed the current published HUD-determined Income Limits for the Family size at the time of selection from the waiting list. Income Limits are published annually by geographical areas.

D. Documentation to Determine Citizenship or Eligible Immigration Status

The City will provide housing assistance to United States citizens and eligible immigrants. At least one Family member must be a documented U.S. citizen or eligible immigrant. A household with at least one ineligible member is considered a "Mixed Family." For a Mixed Family, the subsidy standard will be based on the actual household member(s) and the housing assistance payment (HAP) will be prorated to assist only the eligible members of the Family.

Families must provide the following documents for each member as evidence of citizenship or eligible immigrant status:

United States Citizens must provide (a) a written and signed Declaration of Citizenship for each Family member; and (b) A social security card, if one has been issued; © A United States passport; or (d) An Alien Registration Card.

Eligible Immigrants must provide (a) written and signed Declaration of Citizenship for each Family member; (b) A signed Verification Consent Form; and © One of the original U.S. Immigration and Naturalization Service documents listed on the Declaration.

E. Signing Consent Forms

In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms. The consent form must contain, at a minimum, authorization for HUD and the City to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; authorization for HUD or the City to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance; authorization for HUD or the City to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; a statement allowing the City permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and a statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

Section VIII. Program Suitability

The City will conduct a criminal background check for every member of the Applicant's family age 18 and over. The City will screen to ensure that no member of the Family has engaged in criminal activity that threatened the health and safety of the public.

The City will not approve applications from Applicants with criminal backgrounds that infer their presence may compromise the health, safety, welfare and/or peaceful enjoyment of the housing by other residents.

To avoid admitting such Applicants, the City will examine the activity of all members of the household for a period of seven (7) years prior to the date of the application for housing.

The City will take reasonable steps to ensure the following:

The Applicant, nor any member of the Applicant Family who will be included on the lease, will have a history of engaging in the illegal use of controlled substances. This requirement may be waived if the Applicant demonstrates to The City's satisfaction that he or she no longer engages in the illegal use of the controlled substance(s). This waiver is not available to individuals engaged in selling, producing or manufacturing illegal substances.

The Applicant, nor any member of the Applicant family who will be included on the lease, has history of criminal activity involving crimes to persons or property and/or other criminal acts that would adversely affect the health, safety or welfare of other residents or The City personnel.

The Applicant, nor any member of the Applicant family who will be included on the lease, has history or evidence of incarceration, parole or probation for drug related crimes, violent crimes or crimes that threaten the health, safety and/or general well being of the community

Section XIV. The City's Suitability Standards

The City will use the following standards to deny admission and/or terminate assistance to the Housing Choice Voucher Program if a preponderance of evidence or a pattern of activities reveals the Applicant or any family member included on the lease has engaged in the following activities.

A. Drug Related Eviction

The City will review the family's residential history to determine if the Family has lived in federally assisted housing, and deny admission if any Family member was evicted from a federally assisted housing unit for drug related or violent criminal activities. An exception may be made if the member responsible for the eviction is no longer a member of the household due to long-term imprisonment or death.

B. Illegal Drug Use

The City will deny admission to any Family if a member has a record of illegal drug use, possession, sale or manufacture of any controlled substance; if there is a reason to believe that a Family member uses or sells any illegal drugs; or that a Family member's use or pattern of use of illegal drugs will threaten the health, safety, or right to peaceful enjoyment of the premises by other residents

C. Conviction for Methampetamine Production

The City will permanently deny admission to Families if a member has been convicted for the manufacture of Methamphetamine (also known as speed).

D. Sex Offenders

The City will use the services of the National Sex Offender database to check state registers for each state where the Family resided to ensure that no registered sex offenders are admitted to the program.

E. Alcohol Program Abuse

The City will deny admission if there is reason to believe that any Family member has a pattern of abusing alcohol to the extent that it is a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents. Members with a history of arrests for alcohol use and abuse will be terminated. This requirement may be waived if the Family demonstrates to The City's satisfaction that he or she no longer abuses or misuses alcohol and:

- has successfully completed a supervised alcohol rehabilitation program licensed and approved by an approved State program; or
- is participating in a supervised alcohol rehabilitation program.

F. Violent Criminal Activity

The City will deny admission to any Family if there is reason to believe that a Family member engaged in any of the following acts; or if there is a record or history of these acts:

- Crimes involving extreme physical force, such as forcible rape, murder, armed robbery, assault and battery through use of a weapon; or
- Any activity involving the use of weapons against persons or property.

G. Crimes That Threaten the Peace, Health and Safety of Others

The City will deny admission to any Family if there is reason to believe that a member of the Family has engaged in any activity that threatens the peace, health and safety of others; or if there are records or history of these acts. Such crimes include but are not limited to:

• Voluntary Manslaughter - the unlawful taking of human life under circumstances falling short of willful or deliberate intent to kill.

- Kidnapping taking and carrying away a human being by force and against his will.
- Mayhem inflicting an injury that permanently renders the victim less able to fight
 offensively or defensively; dismemberment or disablement of a limb; or bodily
 disfigurement.
- Burglary unlawful entry to a building or occupied structure for the purpose of committing a crime.
- Arson starting a fire or explosion with the purpose of destroying a building or occupied structure of another; or destroying or damaging any property to collect insurance for the loss.
- Terrorist Threats threatening to commit any crime of violence with the purpose of terrorizing another or causing evacuation of a building, place of assembly, or facility of public transportation.
- Prostitution offering to engage, agreeing to engage or engaging in sexual conduct for a fee, or soliciting another in a public place to engage with him in sexual conduct for hire.
- A history or pattern of criminal activity that includes aggravated assault, assault, burglary, theft, robbery, larceny and bad check writing.

H. Other Admission Requirements - Debts Owed to the City

Applicants to the Housing Choice Voucher program must be free of any debts to The City or a housing authority before being admitted to the program.

Families participating in The City's housing choice voucher program may not be indebted to The City or any housing authority as a result of unreported income, overpaid subsidies, utility allowance reimbursement, vacancy loss, damages, and/or unpaid rental claims.

I. Former Program Participants

The record of former Housing Choice Voucher participants will be researched for possible program violations. The following violations are grounds for denial of admission:

- While participating in the Housing Choice Voucher Program, the Family must not have violated any Family Obligation, as set forth in 24 CFR 982.551 as amended. An exception may be granted by The City if the Family member who violated the Family Obligation is not a current member of the household.
- No Family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The Family must have paid any outstanding debt owed The City or another housing authority as a result of prior participation in any federal housing program.

- No Family member may have been evicted from public housing for non-payment of rent during the past 60 months.
- No Family member may have engaged in or threatened abusive or violent behavior toward The City personnel during the past 60 months.

J. Special Family Circumstances

Children subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. The definition of 51% of the time is 183 days of the year that do not have to run consecutively.

Multiple families, families consisting of two families, applying as a family unit will be treated as one family unit. When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and both families claim the same place on the waiting list, the City will make the decision taking into consideration which family unit retains the children or any displaced or elderly members; role of domestic violence in the split; and recommendations of social service agencies or qualified professionals such as children's protective services.

These considerations will be used to determine which family remains on the waiting list provided no court determination has been made.

Section X. Owner Screening

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the City will provide to the owner the name, address, and phone number of the applicant's current landlord and any previous landlords that are known; information about the tenancy history of family members, including rent paying history, lease violations, criminal activity and eviction. The owner may consider a family's background with respect to such factors as payment of rent and utility bills; caring for a unit and premises; respecting the rights of others to the peaceful enjoyment of their housing; drug-related criminal activity or other criminal activity that is a threat to life, safety or property of others; and compliance with other essential conditions of tenancy.

The owner may deny a rental application based on poor credit or rental history, criminal record, or any other related reason that complies with Fair Housing standards. The owner may not deny an application due to race, color, sex, religion, national origin, familial status, or handicap. In addition, if an owner submits a request to the City for criminal records concerning an adult member of an applicant or resident household, signed consent forms, and the owner's standards for prohibiting admission, the City must request the criminal conviction records from the appropriate law enforcement agency or agencies.

If the City receives criminal conviction records requested by an owner, the City must determine whether criminal action by a household member, as shown by such criminal conviction records, may be a basis for applicant screening, lease enforcement or eviction, as applicable in

accordance with HUD regulations and the owner's criteria. The City must notify the owner whether it has received criminal conviction records concerning the household member, and of its determination whether such criminal conviction records may be a basis for applicant screening, lease enforcement or eviction. However, the City must not disclose the household member's criminal conviction record or the content of that record to the owner, but merely the fact of whether or not they comply with HUD regulations and the owner's criteria.

The same service shall be available to owners of federally assisted housing in their attempt to determine if an applicant is on the state sex offender list upon the request of the owner. Once again, the information itself will not be disclosed to the owner; the City will merely apply the criteria the owner establishes.

Chapter 3 FAMILY BRIEFINGS AND VOUCHER ISSUANCE

The City briefs all Families entering the Housing Choice Voucher Housing Choice Voucher Program for the first time, relocating Families, and portable Families (Housing Choice Voucher participants that transfer from another housing authority) entering The City's jurisdiction.

When the City selects a family from the waiting list, or a participating family request to relocate, the family will be invited to attend a briefing explaining how the program works. In order to receive a housing choice voucher the family is required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission. If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the City will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the City will give primary consideration to the requests of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location. At a minimum, the briefing will cover:

Section I. The Briefing Session

When a family is determined to be eligible for the Housing Choice Voucher (HCV) program, the City will ensure that the family fully understands the way the program operates and the family's obligations under the program. This is accomplished through both an oral briefing and provision of a briefing packet containing written documentation of information the family needs to know. Once the family is fully informed of the program's requirements, the City issues the family a voucher. The voucher includes the unit size the family qualifies for based on the City's subsidy standards, as well as the dates of issuance and expiration of the voucher. The voucher is the document that permits the family to begin its search for a unit, and limits the amount of time the family has to successfully locate an acceptable unit.

A. The Briefing Discussion

The City will give the family an oral briefing and provide the family with a briefing packet containing written information about the program. At the briefing, the City will ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure that the briefing site is accessible to individuals with disabilities. Briefings will be conducted in group meetings.

The head of household is required to attend the briefing. Families that attend group briefings and still need individual assistance will be referred to an appropriate PHA staff person. Applicants who fail to attend a scheduled briefing will automatically be scheduled for one additional briefing. The PHA will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without approval, will be denied assistance. Briefings will be conducted in English. For limited English proficient (LEP)

applicants, the City will provide translation services in accordance with the City's LEP plan. Listed below are some of the subjects covered during the briefing:

- A description of how the program works;
- Family and owner responsibilities;
- Types of eligible housing;
- How to determine what the family can afford;
- How to calculate utility allowance and gross rent;
- How to negotiate rent with the landlord;
- How portability works for qualified portability families;
- Advantages of living in an area that does not have a high concentration of poor families, including maps that show locations of housing outside areas of poverty or minority concentration, within and outside the jurisdiction and neighboring its jurisdiction;
- Information about job opportunities, schools, transportation, and services in these areas;
- An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard when the family initially rents a unit;
- Payment of a security deposit from family funds;
- A description of the homeownership program; and
- Information contained in the Housing Choice Voucher packet.

B. The Briefing Packet

During the briefing, the City will provide the family a packet covering the:

- Term of the housing choice voucher and policy on extensions and suspensions of the term.
- How to request an extension and forms for requesting extensions;
- How the housing assistance payment and total tenant payment are determined;
- Information on the payment standard;
- Information on the utility allowance schedule;
- How the maximum rent for an assisted unit is determined;
- Where the family may lease a unit;
- How portability works and a list of names, addresses and phone numbers of contact persons at neighboring housing authorities;
- HUD-required tenancy addendum that provides the language to be included in the lease;
- A sample contract;
- Request for approval of the tenancy form;
- An explanation of how to request approval of a unit;
- The policy on providing information to prospective owners;
- The subsidy standards, including when the City will consider granting exceptions to the standards such as a reasonable accommodation to a person with a disability;
- HUD brochure "A Good Place to Live;"
- HUD-required lead-based paint brochure:
- Supplemental Information on contacts for special delivery of services.

- Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;
- A list of landlords or other parties known to the City who may be willing to lease a unit;
- Notice that the family may request a current list of accessible units known to the City;
- Family obligations;
- Grounds upon which the City may terminate assistance;
- Informal hearing procedures and information on how to request a hearing;
- A listing or map that delineates areas of low poverty or low minority concentration; and Information about jobs, schools, and services in non-concentrated neighborhoods;
- Information about the characteristics of these areas including job opportunities, schools, transportation and other services.

C. Promoting Housing Opportunities

The City seeks to increase the participation of Landlords with units located outside of areas with a high concentration of low-income Families. To accomplish this goal, The City conducts outreach to Landlords with properties in non-poverty areas and encourages them to accept voucher holders. The local media, professional real estate organizations, Apartment Listing Network and the Cole Indices are used as resources to increase the interest of private Landlords within The City jurisdiction.

As part of this outreach effort, The City prepares and distributes information packets and handouts outlining the benefits of the Housing Choice Voucher Program. The City provides Landlords with information regarding HUD regulations, Housing Choice Voucher Program guidelines, fair housing, Housing Quality Standards, and other Landlord related issues.

D. Extending Vouchers

Housing Choice Voucher vouchers expire sixty days from the date of issuance unless the Family submits a Request for Tenancy Approval (RFTA) and other appropriate documents, or The City extends the voucher in writing.

A request for an extension must be submitted in person to The City prior to the expiration of the voucher with a list of no less ten (10) verifiable Landlord contacts made by the Family during their housing search.

The City will review, together with the Family, the efforts made by the Family to find a suitable dwelling unit and the types of problems encountered during the search. If The City believes there is a reasonable possibility that the Family can, with additional assistance, find a suitable unit, The City will grant an extension. The maximum search period will be 120 days. Any unused voucher will be withdrawn following the full search period.

E. Voucher Suspension

Families will be considered successful in their housing search should they submit a Request for Tenancy Approval (RFTA) prior to the expiration date on the Housing Choice Voucher. The Family may submit only one RFTA at a time. Once the documents are received, The City will suspend (i.e., toll) the term of the Family's voucher. Should the Family be required to resume

their search for housing (e.g., the unit selected fails inspection), the Family will be allowed to resume their search for housing using the remainder of the time left on the voucher.

The voucher will be withdrawn if the Family fails to lease suitable housing during the term of the voucher. Expiration or withdrawal of a voucher does not preclude the Family from completing a new application for another voucher, provided The City has not suspended taking applications for the Housing Choice Voucher program.

Section II. Subsidy Standards

The City will exercise prudence in the determination and administration of housing Subsidy Standards. Maximum Subsidy Standards for an eligible Family is determined based upon the members included on the original application. All adult members must appear in person with photo identification. Members that are not included on the application will not be considered as a member of the assisted household.

A. Additions to Family Household

Once the Family composition has been verified, the only additions to the household will be minor children by birth, adoption or legal guardianship. The only adult addition will be a spouse of the Head of Household or an elderly or disabled parent of the Head of Household or spouse, upon approval from the program manager. The Head of Household will be required to provide legal documentation to The City verifying the adult addition is a legal dependent. All individuals added to the household are subject to HUD's eligibility and The City's suitability standards.

The HCV Manager shall review all requests for additions to the household to insure additions are within The City's policy. The City will provide the Head of Household with written notification of the determination within ten calendar days of the Family's request. Families denied the opportunity to add an individual to their household will be provided with the reason for denial.

The City will review the composition of the household annually and each time additions to the Family are made. If the addition results in overcrowding (more than two persons per living/sleeping room), The City will notify the Head of Household of the need to relocate and issue the Family another Housing Choice Voucher. If a decrease in the family composition results in a lower subsidy standard, the lower subsidy will be applied immediately if the decrease is due to a family member receiving a voucher and leasing an assisted unit; otherwise the reduction will occur at the next annual recertification period.

B. Maximum Subsidy

For each family, the City determines the appropriate number of bedrooms under the established subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom or use a sleeping room. The City's

subsidy standards provide for the smallest number of bedrooms needed to house a family without overcrowding, consistent with HUD's requirements.

These general guidelines are used in determining Voucher size:

Voucher Size	Min. No. Persons in Household	Max. No. Persons in Household
0-BR	1	2
1-BR	1	4
2-BR	2	6
3-BR	3	8
4-BR	6	10
5-BR	8	12

The basis for determining the certified bedroom size will be two same gender (2) persons per bedroom.

Exceptions:

- The Head of Household and spouse will share a bedroom.
- Opposite sex children will share a bedroom until one reaches the age of five (5);
- A single Head of Household will share a room with a child from birth to age 3.
- A Live-In-Aide will be counted as a household member when determining the subsidy size. The Live-In Aide must be qualified to provide the services required by the Elderly or Disabled Family member.
- A single person household will receive a one (1) bedroom subsidy.
- Adult additions to the household are limited to elderly or disabled parent(s) of the Head of Household or spouse.
- The Living/Sleeping room will be considered available for one (1) person when families request additional space as a reasonable accommodation.

C. Exception to Subsidy Standards

The City will consider granting an exception for any of the reasons specified in the regulation: the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate

documentation that can be verified. Requests based on health-related reasons must be verified by the attending medical provider.

The City will notify the family of its determination within ten (10) business days of receiving the family's request. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

D. Delegation of Care of a Minor Child to a Grandparent

The City will adhere to the new Georgia Law §19-9-122. Delegation of authority; hardships; exceptions and §19-9-123: Powers granted by power of attorney in situations involving minor children living with the grandparent without benefit of legal custody.

The minor children will be counted as household members for the allocation of subsidy-bedroom size; but the dependent allowance benefit of \$480 per minor child will not be provided. Grandparents who are given care-giving authority are eligible to request a stipend from the Department of Family and Children's' Services (DFACS) to support the children.

The City will require a notarized copy of the legally executed power of attorney providing for the care of the minor children. The care-giving authority will be examined annually or at any time if the guardianship authority is for less than one (1) year. When the minor children are no longer in the grandparent's care, the voucher subsidy will be reduced to accommodate the legal household members.

E. Reasonable Accommodations

The City will adhere to its subsidy standards when certifying bedroom sizes. No additional bedroom will be allocated to accommodate a disability. The Living/Sleeping room will be considered available for one (1) person when families request additional space as a reasonable accommodation

The need for a live-in-aide must be certified by the attending medical provider, documentation of treatment for the disability (prescription medicine, recurring medical bills), and the specific services the disabled member needs from the live-in-aide and how often, must accompany any request.

A live-in-aide must be physically and emotionally capable of providing the needed services to a disabled household member. The City will recommend alternatives to a live-in-aide depending upon the needs of the disabled family member.

If there is a current household member capable of providing the medical services, another addition to the household will not be approved.

A live-in-aide must meet the following criteria prior to approval to reside in the assisted unit:

- 1. Has been determined by the City to be essential to the care and well being of the elderly, near-elderly (i.e., 50 to 61 years of age) or disabled family member; and
- 2. Is not financially obligated for the support of the family member; and
- 3. Is not an ex-spouse; and
- 4. Is an able bodied adult; and
- 5. Is not a current or previous member of the assisted household; and
- 6. Would not be living in the unit except to provide care of the family member; and
- 7. Is not ineligible to live in a federally assisted housing unit per 24 CFR 982.316

$\Box \Box A$ live-in aide is not considered to be a member of the participant family.
☐ The income of the live-in aide is not counted for purposes of determining eligibility or leve
of benefits
☐ The live-in aide is not subject to the Non-Citizen Rule requirements, and
☐ The live-in aide will not be considered a remaining member of the tenant family.

A live-in aide may only reside in the unit with the approval of the City. The unit must be the primary residence of the live-in aide. The City has the right to disapprove a specific individual as a live-in aide at any time if that individual is ineligible because of known criminal or fraudulent acts; or is indebted to the City or another housing agency.

If a live-in aide is disapproved, he is not allowed to live in the subsidized unit. A family may lose its housing assistance if an ineligible live-in aide occupies the unit. Relatives are not automatically excluded from being care attendants, but they must meet the above criteria. Family members of a live-in aide may also reside in the unit as long as a member is eligible and doing so does not increase the subsidy by the cost of an additional bedroom and the attendant's family members do not overcrowd the unit.

Section III. Payment Standards

The payment standard for Housing Choice Vouchers shall be determined annually following the publication of the Fair Market Rents (FMRs). The City will consider the amount received from HUD in its Annual Contributions Contract (ACC); The City will seek to promote housing opportunities in all areas of its jurisdiction with particular emphasis on non-poverty areas; and The City will ensure that the majority of Families are not paying more than 40% of their income for their housing cost. In conjunction with the practice of neighboring housing authorities, the City will set the Payment Standard at an amount which will be competitive with the rents charged in the current marketplace and is within the annual ACC allocation. The Payment Standards will be reviewed annually and set between 90% and 110% of the current published FMR. The actual percentage will be based upon the allocation and the balance of Net Restricted Assets (NRA). If the HUD allocation is reduced or the NRA balance appears to drop below three (3) months reserve funds, the Payment Standards will be adjusted downward January 1 of each year.

A. Maximum Initial Rent Burden

A Family will not initially be allowed to pay more than 40% of their adjusted income toward their portion of the rent and utility allowance for occupancy of a Housing Choice Voucher assisted unit. This rent burden test is applied at the initial lease-up of a new unit and not applied during subsequent years of occupancy.

Families will be provided personal documentation of their affordability to lease, as well as Instructions on how to calculate utility allowances and gross rent.

B. Family Affordability

Families' leasing capacity is dependent upon the contribution from the family and the Housing Assistance Payment (HAP) from the City. The family is obligated to contribute a minimum of ten (10) percent of annual gross income or 30 percent of monthly adjusted income, whichever is greater, toward rent. Following this calculation, the family's share of rent and utilities may not exceed 40 percent of their monthly adjusted income. The family is encouraged to shop smart with the HAP and maintain some of their contribution for utilities.

C. Utility Allowance

The City will conduct a survey of Cobb County utility service providers annually to determine if any changes occur in the cost of services to residential dwellings. If the result indicates that any utility service has increased or decreased at least ten (10) percent, the previous allowances will be revised accordingly to become effective January 1 of each year.

A new Utility Allowance Schedule is provided each year to reflect the date of the study and the results.

Families are provided a utility allowance to help cover the cost of utilities for which they are the responsible for paying. All referrals to rent and payment standards include the utility allowance. If the entire HAP does not go toward the contract rent, the family will receive a Utility Allowance Payment (UAP).

D. Portability Feature

Families living in The City jurisdiction at the time of initial application for Housing Choice Voucher assistance may move out of the jurisdiction with the initial voucher. The City will provide the Family with information on how to contact the Receiving Housing Authority and any details regarding appointments and briefing schedules.

Families living outside The City jurisdiction at the time of initial application must lease within The City jurisdiction for at least one year before being eligible for portability assistance.

Chapter 4 INCOME AND THE FAMILY SHARE

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition and income within specified timeframes. The rules on which sources of income are counted vary somewhat by family member. Families must provide copies of a series of consecutive current wage statements, benefit letters, certifications, bank statements or other forms of documentation to certify total household income.

Section I. Family Income

The City is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date.

Types of Income Included in Annual Income:

<u>Wages and Related Compensation</u>. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].

Some Types of Military Pay. All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

- <u>Periodic payments</u> from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)].

When a delayed-start payment is received and reported during the period in which the The City is processing an annual reexamination, the City will adjust the family share and subsidy retroactively for the period the payment was intended to cover if HAP would have changed under the interim policy.

<u>Payments in lieu of earnings</u> such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

<u>Alimony and child support payments and regular contributions</u> or gifts received from organizations or from persons not residing with an assisted family.

Minimum Income

There is no minimum income requirement. Families who report extremely low income/zero income will be reviewed through EIV for income changes and are further required to complete a written certification every 90 days.

- Families that report extremely low/zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.
- If the family's expenses exceed their known income, the HA will make inquiry of the head of household as to the nature of the family's accessible resources.

Section II. Regular Contributions and Gifts

Any contribution or gift received every three (3) months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$100 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment. Contributions will be verified before including in the income calculation.

Verification must be in the form of cancelled checks, bank statements, copies of money orders, and a notarized certification letter from the source. If the contribution income was received in the form of cash, the source must provide information that demonstrates their financial capacity to contribute to the assisted family household income.

Section III. Regular Contributions and Gifts at Initial Lease Up

Families cannot include contributions and gifts to determine their income eligibility for a unit under the 40% rent burden rule if the contributions have not been received, reported to the City and counted as income at least the last three (3) consecutive months prior to submission of a Request For Tenancy Approval (RFTA). This rule only applies at initial lease-up.

Section IV. Calculating Annual Household Income

A. Basis of Annual Income Projection

The City generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the City to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The City believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

When the City cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the City will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the City to show why the historic pattern does not represent the family's anticipated income.

B. Adjustments to Annual Income

Adjusted income is the annual income of all household members after making the mandatory deduction as identified in 24 CFR 5.611 and 24 CFR 5.617 and listed below:

- \$480 for each dependent;
- \$400 for elderly or disabled Families;
- un-reimbursed anticipated annual medical expenses of Elderly or Disabled Families that exceeds 3% of annual adjusted income;
- un-reimbursed disability assistance expenses for disabled Family members that exceed 3% of annual adjusted income; and
- reasonable child care expenses to allow a Family member to work, actively seek work, or attend school.

C. Mandatory Earned Income Disallowance (MEID)

A Housing Choice Voucher assisted Family with a member who has a disability may qualify for a disallowance of an increase in annual income under one of the conditions stipulated in 24 CFR 5.617.

The qualified Family member will receive an initial disallowance of one hundred percent (100%) of increased earnings for one year; fifty percent (50%) of the increase in earnings for the second year. The City will allow up to 48 months for the disabled member to use the full 24-month disallowance.

The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period of time

D. MEID Eligibility

This disallowance applies only to individuals in families already participating in the HCV program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. Previously unemployed includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.
- Earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

E. Calculating the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

The City defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

Initial 12-Month Exclusion. During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In. During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation. The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

During the 48-month eligibility period, the City will schedule and conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

Section V. Temporarily Absent Family Members-Military and Students

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

Generally an individual serving in the military or attending school who is or is expected to be absent from the assisted unit for 3 consecutive months or 90 days or more in a 12 month period of time is considered temporarily absent and continues to be considered a household member, unless the Head of Household removes the individual from the household composition. The Head of Household must provide documentation to support the continued absence.

Generally a non-military individual or other adult not attending school who is or is expected to be absent from the assisted unit for more than 90 consecutive days is considered permanently absent and no longer a family member.

A. Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the City indicating that the student has established a separate household or the family declares that the student has established a separate household.

B. Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

If a child has been placed in foster care, the City will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

C. Absent Head, Spouse, or Co-head

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

D. Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted.

The City will request verification from a responsible medical professional to determine if the confined family member will be temporarily or permanently absent from the home. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

When an individual who has been counted as a family member is determined permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualify as an elderly person or a person with disabilities.

E. Remaining Family Member

Under certain circumstances the original Family composition may be altered due to the Head of Household leaving the unit. A Remaining Family Member, as defined by HUD, is an adult Family member in the household at the time the Head of Household permanently leaves the household, who is capable of assuming the role of Head of Household.

F. Caretaker

If the Head of Household dies, or otherwise permanently leaves the household, and only minor children remain, another eligible adult Family member capable of assuming the Head of Household position may move into the unit to avoid interruption of housing assistance. The voucher assistance will pass to that Caretaker, who will then become the Head of Household. The adult assuming the role as Head of Household must assume legal custody of the minor children. The newly designated Head of Household must meet The City's eligibility standards and their income will be used to determine the Family's share of housing assistance.

G. Temporary Absence of Head of Household

If the single Head of Household is temporarily absent from the home due to medical illness requiring hospitalization or nursing home confinement, the Housing payment will be provided for a maximum of 90 days. The Head of Household will be responsible for their portion of rent to the Landlord for the 90 day period. A proposed termination notice will be sent to the family

and landlord after 60 days of absence, if the Head of Household is unable to return to the assisted unit after the 90-day period. The family file will be documented to indicate that if the Head of Household recovers and is able to return to independent living within 180 days of vacating the unit, the family may receive a voucher to search for housing without applying to the waiting list.

H. Split Family

In cases of divorce or separation under a settlement or judicial decree, The City will follow a court's ruling in determining which Family members continue to receive Housing Choice Voucher assistance. In cases where no settlement or judicial decree exists, The City will:

- grant the voucher to the Family member caring for minor children, ill, Elderly or Disabled Family members;
- grant the voucher to the Family members forced to leave a unit as a result of actual or threatened physical violence against Family members by a spouse or other Family members of the household:
- grant the voucher to the Family member retaining custody of the minor children; and
- in the case of joint custody, The City will grant the voucher to the Family member that provides housing for the minor children 51% or more of the time.

I. Absence of Students and Military Personnel

A bedroom will be allocated for a dependent age 18 and over attending school or vocational training full time the student is listed on the lease agreement. The student's income will be counted. A Family member serving in the military will be allocated a bedroom in accordance with the subsidy standards. Income will be counted.

J. Part time Military Reserve and National Guard Units

If a Family finds it necessary for another adult to temporarily move into an assisted unit solely to serve as temporary guardian for minor children residing in the unit, the income received by the guardian will not be counting in determining family income. The guardian must pass the criminal background requirements.

K. Joint Custody of Dependents

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time. When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the City will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

L. Grandparents Raising Grandchildren

Grandparents who have power of attorney to raise grandchildren during the parents' absence will receive a bedroom subsidy to house the children, but will not receive the dependent allowance until legal custody is awarded.

Grandparents may apply for financial assistance through the Georgia Division of Family and Children Services (DFCS). Funds received will not be counted as household income.

Section VI. Factors which Affect Household Income

A. Unauthorized Residents

Only family members listed on the HUD 50058 are permitted to reside in the assisted unit. Adults who reside in the assisted unit more than fourteen (14) consecutive days during a 12-month period are not listed on the HUD-50058 form, will be deemed unauthorized residents, unless the City has is in the process of evaluating said resident for eligibility.

A family will be permitted to demonstrate that the person is not an unauthorized resident by submitting at least one (1) of the following:

- 1. A written notarized statement from the landlord or neighbors of the participant;
- 2. A legible copy of the person's current state-issued photo identification or current vehicle registration;
- 3. A lease in the person's name at another address shall be the preferred choice of evidence.
- 4. Mail sent to the assisted unit may be considered as unauthorized occupancy.

The burden of proof that the individual is a visitor rests on the assisted family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the City will terminate assistance since prior approval was not requested for the addition.

B. Removal of Adult Household Members

The Head of Household must agree to sign a Prohibited Family Member form and must submit acceptable proof of that person' new residence. The documentation will be investigated and confirmed. Former adult household members may not return to the assisted unit.

C. Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the City will consider any of the following as verification:

\Box A copy of the divorce action instituted by the husband or wife.
\Box A copy of the legal separation instituted by the husband or wife.
□□ Order of protection/restraining order obtained by one family member against another.
□□ Proof of another home address, such as utility bills, canceled checks for rent, driver's
license or lease or rental agreement if available.

\square Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
□ If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

Chapter 5 CHAPTER 5 VERIFICATIONS

The City will verify all information that is used to establish the family's eligibility and level of assistance and will obtain the family's consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The City will not pass on the cost of verification to the family.

The City will follow the most recent published guidance for effective and mandated verifications provided by HUD.

HUD authorizes the City to use specific methods to verify family information and defines the circumstances in which each method will be used. In general HUD requires the City to use the most reliable form of verification that is available and to document the reasons when the City uses a lesser form of verification. Family provided wage and benefit statements are acceptable if current and provide enough information to calculate anticipated annual income. Third party verifications will be used when family provided documents are not acceptable or conflict with other perceived information. The HUD recommended Verification Hierarchy is as follows:

- Upfront Enterprise Income Verification (EIV)
- Upfront Income Verification (Non-EIV)
- Third-party Written Verification
- Third-party Oral Verification
- Review of Documents
- Tenant Declaration

Section I. Enterprise Income Verification

The HUD-preferred method of verification is the Enterprise Income Verification (EIV), a computer-based program created by HUD that includes income information from other federal and state resources. The City will use this resource as the primary method of verification for all participating families. A printed copy of the inquiry result will be used as documentation that the verification procedures are followed.

The EIV provides income information on participating families within 60 days of the family's anniversary date.

The City will restrict access to and safeguard EIV data in accordance with HUD guidance on security procedures, as issued and made available by HUD.

There may be legitimate differences between the information provided by the family and EIV-generated information. No adverse action can be taken against a family until the PHA City has independently verified the EIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of the City.

The City will use the New Hires Report and the Termination for Debt reports to track household income

A. Definition of Substantial Difference

EIV information is used differently depending upon whether there is a substantial difference between information provided by the family and the EIV information. In "HUD Guidelines for Projecting Annual Income When EIV Data is Available." HUD recommends using \$200 per month as the threshold for a substantial difference. The City will therefore use \$200 per month as the threshold for a substantial difference

If EIV information does not differ substantially from family information, the EIV documentation may serve as third-party written verification.

When there is a substantial difference between the information provided by the EIV source and the family, the City will request another form of third-party written verification and use any other verification methods (in priority order) to reconcile the difference(s).

B. Social Security (SS) and Supplemental Security Income (SSI)

SSA electronically provides HUD with benefit information on all current participants and household members who have disclosed a valid social security number. HUD makes the information available to PHAs through the Enterprise Income Verification system. An original benefit letter provided by the family or an EIV benefit report which displays the social security benefit amount is considered third party verification. The City will not pursue any additional verification.

Social Security benefit information is not available for Applicants through EIV. The City will ask the family to request benefit information letter from SSA's website within 60 days of the interview date. If the family needs assistance, the City will show the family how to assess the site, or complete the operation at the time of the interview, if necessary. Families will not be referred to the Social Security office. Families may also request the benefit letter from SSA by telephone.

Section II. Third Party Verification

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the PHA. The documents must not be damaged, altered or in any way illegible.

The City will accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source. For

example, if the holder of a pension annuity provides semi-annual reports, the City would accept the most recent report.

A. Third Party Written

Print-outs from web pages are considered original documents. Faxed documents directly from the source are considered original.

The City staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

When income information is not available through EIV, The City will request verification of income, assets and family circumstances by writing directly to the source that can provide the information. The third party must return the information directly to the City, without any contact with the family. The file will be documented to show why this method was used.

Documents provided by the family-pay check stubs, bank statements will be used to calculate annual income for current reexams. Families must provide a series of statements.

B. Third Party Oral

After no more than ten (10) days with no response to the written request, a reminder call will be made to the source to request the information within five (5) business days. After the fifth day, a second call will be made to speak with an individual who can provide the verification. The response will be accurately documented including the name and title of the respondent and the file records will show the paths taken to receive verifications.

C. Review of Documents

When third-party verification has been requested and the timeframes for submission have been exceeded, the City will use the information from family-provided documents on a provisional basis. If the City later receives third-party verification that differs from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, the City will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of the City's interim reexamination policy. The family records will be documented to show why this method of verification was used.

D. Self Certification

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the City. The City may require a family to certify that a family member does <u>not</u> receive a particular type of income or benefit.

E. Family Members Not Receiving SSA Disability Benefits

Family members claiming disability who do not receive SSI or other disability payments from the SSA will not be designated as a disabled family.

F. Other Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

G. Medical Expenses

The City will provide a third-party verification form directly to the medical provider requesting the needed information. Medical expenses will be verified through using a third-party verification form signed by the provider, when possible.

If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the City will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The City will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, the City will verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

H. Zero Benefits Verification

Families claiming to have no annual income will be required to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

Section III. Child Care Verifications

The amount of the deduction will be verified following the standard verification procedures. The City will verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.

The costs are for an allowable type of child care. The City will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The City will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

The costs are reasonable. The City will survey various child care providers within its jurisdiction for costs associated with children of different ages to develop a chart of reasonable child care costs that will be used for all participating families.

A. Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The City will verify that the child being cared for (including foster children) is under the age of 13.

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source. The child care provider will be asked to certify that, to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

The City will verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

Information to be Gathered

The City will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

B. Seeking Work

Whenever possible the City will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the City will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the City any reports provided to the other agency.

In the event third-party verification is not available, the City will provide the family with a form on which the family member must record job search efforts. The family member allowed child care to seek employment must report to the City every sixty (60) days to provide documentation of search efforts. Child care deductions will be discontinued after six months of unsuccessful job searching, or at any reporting period that has unverifiable or no search activity.

C. Furthering Education

The City will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

D. Gainful Employment

The City will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Section IV. Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The City will verify that the expense is incurred for a person with disabilities. The City will verify the existence of a disability in order to allow certain income disallowances and deductions from income. The City is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The City will not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the City receives a verification document that provides such information, the City will not place this information in the tenant file. Under no circumstances will the city request a participant's medical record(s).

A. Family Member(s) Permitted to Work

The City will verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

The City will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work.

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

B. Family Members Receiving SSA Disability Benefits

The City will attempt to obtain information about disability benefits through the HUD EIV System when it is available, or HUD's Tenant Assessment Subsystem (TASS). If the HUD EIV System or TASS is not available, the city will attempt to obtain third-party written/oral verification from the SSA. If third-party verification is not available, the family may provide an original SSA document that confirms the current benefits.

Verification of receipt of SSA benefits or SSI based upon disability is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions.

Section V. Family Share of Housing Costs

The Family's contribution to the housing cost will be based upon the verified Annual Adjusted Income after consideration of earned income, benefits, allowances, assets, Mandatory Earned Income Disallowance (MEID), medical deductions and HUD designated income exclusions for all Family members.

The amount of the Total Tenant Payment will be calculated based on the highest of:

- ten percent (10%) of the monthly unadjusted Family Income;
- up to a maximum of forty percent (40%) of the Family's monthly Adjusted income at initial contract;
- preservation minimum rent as determined by HUD regulations, Housing Choice Voucher(t) of the United States Housing Act of 1937.); or
- The City minimum rent of \$50.00.

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the City's applicable payment standard: (1) the family will pay more than the Total Tenant Payment (TTP), and (2) at initial occupancy the City will not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued.

A. Exception to Minimum Rent Requirement

Families paying the minimum rent required by The City may request an exception to the minimum rent requirements if they believe the imposition of minimum rent creates a hardship for their Family. The City will consider the following as hardships:

- The Family has lost eligibility for, or is awaiting an eligibility determination federal, state, or local assistance program;
- The income of the Family has decreased because of changed circumstances including loss of employment; or
- A death in the Family of a member receiving income (as defined in The City Policy) has occurred.

B. Implementation of Hardship Exemption

When a family requests a financial hardship exemption, the City will suspend the minimum rent requirement beginning the first of the month following the family's request.

The City then determines whether the financial hardship exists and whether the hardship is temporary (expected to last 90 days or less) or long-term.

When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP.

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The City will make the determination of hardship within 30 calendar days.

Section VI. Fraudulent Acts and Rent Responsibility

It shall be a fraudulent act for a family to deliberately create an unfavorable situation which would result in a reduction of rent responsibility. The following acts are considered a violation of Family Obligations and grounds for termination.

- 1. Quitting a job when the rent responsibility increases
- 2. Creating unfavorable situations at work which precipitate involuntary dismissal
- 3. Obtaining false statements regarding working hours or income
- 4. Requesting reduced hours to lower income
- 5. Reporting a loss or reduction of contributions after using the income to subvert the 40% rent burden regulation

Chapter 6 TENANCY APPROVAL AND REASONABLE RENT

At the family briefing, the City will issue the housing choice voucher and the Request For Tenancy Approval (RFTA). At this point the family begins their search for a unit and must present the RFTA on or before the voucher expiration date. When the family finds an affordable unit that the owner is willing to lease under the program, the family and the owner will complete the RFTA and return it and an unsigned lease to the HCV office. The RFTA will be accepted if the proposed rent is affordable for the family, the unit is an eligible one and the owner is not banned from participation. When the RFTA is accepted, the voucher will be suspended and the time stopped. The family will be entitled to the remaining time on the voucher if needed.

Section I. Request For Tenancy Approval (RFTA)

The owner and the family must submit the following documents and others requested to the City to begin the leasing process:

- Completed Request for Tenancy Approval (RFTA) Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum Form HUD-52641-A.

The RFTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary for the City to determine whether to approve the assisted tenancy in this unit.

Families will be allowed only one RFTA at a time. The original RFTA may be exchanged for another if the document is defaced. After a RFTA is accepted and the toll clock stopped, the initial unit is not accepted, or the family or landlord changes their mind about leasing The original RFTA will be cancelled, a new packet issued and the clock will start again. The time remaining on the voucher will be granted to locate another unit.

A. Owner Disclosures

Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the City has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure.

B. RFTA Acceptance

The RFTA must be signed by both the family and the owner. The owner may submit the RTA on behalf of the family.

The original RFTA (including the proposed dwelling lease) must be submitted as hard copies, inperson. The family may not submit, and the City will not process, more than one (1) RFTA at a time.

When the family submits the RFTA the City will review the RFTA for completeness.

If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, the City will notify the family and the owner of the deficiencies

Missing information and/or missing documents will only be accepted as hard copies, in-person. The City will not accept missing information over the phone.

When the family submits the RFTA and proposed lease, the City will also review the terms of the RFTA for consistency with the terms of the proposed lease.

If the terms of the RFTA are not consistent with the terms of the proposed lease, the City will notify the family and the owner of the discrepancies.

Corrections to the terms of the RFTA and/or the proposed lease will only be accepted as hard copies, in-person. The City will not accept corrections by phone.

C. New Owner or New Unit to the Program

If the owner is new to the City's voucher program, or the property has never been on the city's program, a W-9 and a recorded deed to the property must be presented before the RFTA will be accepted.

Ownership of the unit will be verified through the Cobb County Tax Assessors Office. The City requires that property taxes are paid for the current and previous years,

New owners are subject to a criminal background check and will be ineligible to participate in the program if there are records of drug-related or violent criminal activity within the previous five years.

Section II. Reasonable Rent

Acceptance of the RFTA initiates the Housing Quality Standards inspection process and determination of a reasonable rent for the unit. The City primarily uses a web-based program called SocialServe.com to determine a reasonable rent. Social Serve is used by other Atlanta metropolitan housing agencies. The program allows the City to retrieve comparable units with detailed information for comparative purposes. The computer-based program is set up to load the databank with unassisted units in the metropolitan area; thus making available a vast number of units throughout Cobb County. The reasonable rent for the subject unit is determined by selecting three (3) units from the databank that more closely matches the subject unit's location,

age, rent, bedroom and bath size and square footage. After selection, a report is generated that shows the comparative points of each unit and the reasonable rent for the subject unit.

A. Primary Search Parameters

The City has established guidelines to meet the comparability factors of location and age. The initial search area will be within ten (10) miles of the subject unit. The following date ranges of unit construction will be compared when possible:

- 2006 and later
- 2001 to 2005
- 1988 to 2000
- 1972 to 1987
- 1952 to 1971
- Built before 1951

Other comparability factors include:

- Unit size including the number of bedrooms and square footage of living space.
- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made.
- Amenities, services, and utilities included in the rent

Units proposed for voucher assistance will be compared to the units within a close rent range. Because units may be similar, but not exactly like the unit proposed for assistance, the City may make adjustments to the range of prices to account for these differences.

B. Rent Adjustment Factors

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom). The adjustment must reflect the rental value of the difference – not its construction costs.

When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of 500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $500 \times 11 = 5500/12 = 350$

C. Secondary Methodology

When comparables are not found using the methods listed above, the City will expand the search to include additional websites that provide rental listings in the metropolitan area.

Section III. Special Housing Types

The City has approved the use of a limited number of vouchers in the Homeownership program for eligible families participating in the Family Self-Sufficiency program. No other special housing types are authorized.

Chapter 7 HOUSING QUALITY STANDARDS INSPECTION

In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family will be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS space requirements [24 CFR 982.402(d)]. The family will be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of bedrooms stated on the voucher issued to the family.

The City will inspect all units prior to entering into a HAP contract. Housing used in the Housing Choice Voucher Program for the City will meet the standards and acceptability criteria set forth in 24 CFR 982.401, as amended. Annual inspections will be conducted on all units on the program to ensure compliance with HUD's Housing Quality Standards. Landlords and Families will be notified of the repairs necessary for compliance.

A detailed review of a sample of units passing inspection on the Housing Choice Voucher program will be conducted by a supervisor or other qualified person to ensure the quality of the inspections. The sample of units to be reinspected will meet the minimum sample size requirements specified in 24 CFR 985.2, as amended. The reinspected sample will be drawn from recently completed HQS inspections (i.e., performed during the three months preceding reinspection) will represent a cross section of neighborhoods and the work of a cross selection of inspectors.

The City will document violations of HUD's Housing Quality Standards (HQS). When units are found to be in violation, The City will take steps in accordance with HUD regulations.

The City shall conduct perimeter inspections of multi-family complexes that house Housing Choice Voucher Families at least twice annually, noting maintenance conditions of the premises and obvious code violations on surrounding properties. The City will report these violations to the Landlord and appropriate city officials for code enforcement.

Section I. Initial Inspections

Before approving a unit for occupancy, The City will ensure the dwelling unit is inspected for compliance with HQS. All inspections of units shall be conducted on the date the unit will be ready for inspection, as documented on the RFTA packet, or within five (5) days of receipt of the Request For Tenancy Approval (RFTA). A copy of the inspection report will be given to the Landlord. A report for every inspection will be prepared and maintained in the Family's file in the Housing Choice Voucher division. Each report will specify the defects or deficiencies, if any, which must be corrected by the Landlord before the HAP contract will be executed.

If, at the time of the initial inspection, The City determines that violations exist, The City will notify the Landlord and family, and request the defects be corrected within fifteen (15) days.

Failure to correct the deficiencies in a timely manner will result in cancellation of the inspection and RFTA. The Family may then be issued new paperwork to search for alternate housing, provided there is search time left on the voucher. If The City determines, as a result of the reinspection that the Landlord has satisfactorily corrected all defects or deficiencies, The City will execute the HAP Contract.

Marginal and substandard units will not be accepted into the program.

Section II. Emergency Inspections

Emergency inspections are conducted immediately upon receipt of information that there are deficiencies in a unit that may be considered life threatening. Such deficiencies must be corrected within 24 to 72 hours of the inspection date, depending on the nature of the deficiency.

A. Twenty Four Hour Deficiencies

Hazards that pose an immediate threat to the health and safety of the Family must be corrected and reinspected within twenty-four (24) hours. Examples include, but are not limited to the following:

- Missing smoke detectors
- Unsecured entry doors
- Gas leaks
- Severe plumbing or sewer leaks
- Electrical hazards-overloaded circuits, exposed wiring
- Severe structural defects
- Other deficiencies identified by the Inspector

B. Seventy Two Hour Deficiencies

Hazards that represent a potential threat to the health and safety of the Family must be corrected and reinspected within seventy-two (72) hours.

Section III. Complaint Inspections

The City will respond to all Families reporting violations of Housing Quality Standards in their units. Families may call the report in or submit a written request. The City will also respond to calls made by the general public or owner reporting violations of HQS.

Once the complaint is received, The City will notify the Family and Landlord of the complaint and give the Landlord and/or Family a reasonable amount of time to address the complaint and begin necessary repairs, generally within five (5) business days, or if a hazardous condition exists, within twenty-four or seventy-two hours. If the complaint is not addressed appropriately within the time frame specified, The City will perform an inspection of the unit and staff will take the steps outlined for such situations according to the terms of the HAP contract.

Section IV. Annual Inspection

Annual inspections of the unit are conducted within (12) twelve months of the last initial or annual inspection. If the unit passes the inspection, The City will continue HAP payments to the Landlord.

A written notice will be sent to the Family and landlord advising of the appointment date and time for the inspection. An adult family representative must be present for the inspection. Rescheduling will be allowed only for working households. In multi-family complexes, the Inspector will request that a staff representative accompany during the inspection. Landlords are encouraged to attend, but it is not mandatory.

If the Family fails to attend the scheduled inspection, a notice of "Failure" will be sent to the Family and landlord with a recommendation for family termination.

Marginal Units that fail the annual inspection due to structural, mechanical systems, sanitary or site conditions or barely meet the minimum Housing Quality Standards will be referred for removal from DHA's inventory of assisted housing units. The initial inspector will make the referral and the HCV Manager will assign a second inspector to view the unit and give a second opinion. Two agreeable decisions will be required before removing a unit from the inventory.

A. Reinspection Process

The City will provide landlords a Certification of Compliance form to be submitted when any noted deficiencies are completed. The form must be returned on or before the scheduled completion date to avoid HAP abatement or tenant termination for tenant-caused deficiencies. The Housing Officer will determine if a visual inspection is necessary.

1. Abatement of Housing Assistance Payment

The City will abate HAP to Landlords for units that fail HQS and the Landlord fails to make acceptable corrections within the required time frame. The City will not abate payments to Landlords for violations of HQS which are the Families' responsibility.

The City will automatically abate housing assistance payments when the unit fails a reinspection for a violation of HQS that is the responsibility of the Landlord. The HAP will be abated and the family will be notified of the opportunity to receive a voucher to relocate to a decent unit .The Housing Assistance Payment (HAP) contract will be scheduled to cancel at the end of the month following a thirty-day notice. The Family must continue to pay the Family share of rent to the landlord.

2. Move Tenant

When an occupied unit fails the reinspection for violations the landlord is responsible for, the Family will be offered the opportunity to receive a voucher following the HAP abatement. The Family must be eligible to relocate-no debts pending, no violations of Family Obligations. If the Family fails to attend a briefing and remains in the unit, the Family will be

terminated from the program when the Contract is cancelled and will be responsible for the entire rent to the landlord.

The City will cancel the HAP contract when the Family moves from the unit or thirty(30) days after the abatement date, whichever comes first.

3. Continued Occupancy

During the abatement period and before the HAP cancels, the landlord may correct the deficiencies, request a final inspection and complete a Continued Occupancy form with the Family if the two wish to continue the lease association. The HAP will be reinstated on the date the unit passes inspection. The Family may opt to remain in the current unit and return the voucher or use the voucher to search for other housing.

B. Referrals to City Code Enforcement

If a unit is cited for conditions that pose a threat to the health and safety of the occupants and other residents, and the owner fails to correct the deficiencies, the City may refer the property address and Landlord's name to the Code Enforcement Division.

Section V. Family Breach of HQS

In accordance with the HUD Tenancy Addendum (HUD-52641A), a breach of the HQS caused by the Family is not the responsibility of the Landlord. The City will terminate assistance to the Family if the Family fails to correct a HQS breach caused by the Family member or by a guest.

The following actions constitute a Family breach of the HQS:

- Failure to pay for any utilities that are the responsibility of the Family;
- Failure to provide and maintain any appliances that are to be provided by the Family; or
- Damage to the unit beyond normal wear and tear.

Families will be given the same time frame for correcting deficiencies as the landlord-thirty (30) calendar days. If the deficiencies are not corrected at the time of the reinspection, the termination process will begin; which includes sending a written notice to the Family and landlord and providing an opportunity for the Family to request an Informal Hearing.

If the landlord has no uncorrected deficiencies, the HAP will continue, and the Family must continue to pay its share of rent to the landlord.

If the termination is enforced, the effective date of the Contract cancellation will be sixty days following the initial inspection failure.

Section VI. Quality Control Inspections

The City will monitor performance on a quarterly basis for adherence to the HUD requirement for program operations. Based upon the number of families assisted, a sample of eighteen (18) units will be selected for supervisory inspection and follow up. The selected units will be analyzed for the five SEMAP indicators directly related to the HQS functions. Follow up will include training for any systemic deficiencies noted.

Section VII. Unauthorized Occupants

Quality Control reviews will be conducted on site in conjunction with quality control inspections. Allegations of unauthorized occupants and observations of staff during annual or interim reviews will trigger a quality review.

- Indicator 2. Rent Reasonableness
- Indicator 5. HQS Quality Control Inspections
- Indicator 6. HQS Enforcement
- Indicator 11. Pre-Contract HQS
- Indicator 12. Annual HQS Inspections

Chapter 8 LEASE AND HOUSING ASSISTANCE PAYMENT CONTRACT

The family and the owner must execute and enter into a written dwelling lease for the assisted unit. This written lease is a contract between the tenant family and the owner; the City is not a party to this contract.

The tenant must have legal capacity to enter a lease under State and local law. Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)]

Section I. Lease Form and Tenancy Addendum [24 CFR 982.308]

The owner must use a standard lease form for rental to both assisted and unassisted tenants. The lease must conform to state and local laws. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form.

The Tenancy Addendum must be attached to the lease so that all provisions in the HUD-required Tenancy Addendum are added word-for-word to the owner's standard lease form, for use with the assisted family. The Tenancy Addendum includes the tenancy requirements for the program and the composition of the household as approved by the City. As a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner and the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

The City will not provide a model or standard dwelling lease for owners to use in the voucher program.

A. Lease Information [24 CFR 982.308(d)]

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family

B. Term of Assisted Tenancy

The initial term of the assisted dwelling lease must be for at least one year [24 CFR 982.309]. The initial lease term is also stated in the HAP contract.

The City will not approve an initial lease term of less than one (1) year.

During the initial term of the lease, the owner may not raise the rent to owner [24 CFR 982.309]. Any provisions for renewal of the dwelling lease will be stated in the dwelling lease. There are no HUD requirements regarding any renewal extension terms, except that they must be in the dwelling lease if they exist.

The City will execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC. [24 CFR 982.309(b)].

C. Separate Non-Lease Agreements between Owner and Tenant

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner minus the PHA's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

The City permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease. Any items, appliances, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are <u>not</u> customarily provided to unassisted families as part of the dwelling lease with those families, are <u>not</u> permanently installed in the dwelling unit and where the family has the sole option of <u>not</u> utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

Section II. HAP Contract Execution [24 CFR 982.305]

The HAP contract is a written agreement between the City and the owner of the dwelling unit occupied by a housing choice voucher assisted family. Under the HAP contract, the City agrees to make housing assistance payments to the owner on behalf of a specific family occupying a specific unit and obliges the owner to comply with all program requirements.

The HAP contract format is prescribed by HUD.

If the City has given approval for the family of the assisted tenancy, the owner and the City execute the HAP contract.

The term of the HAP contract must be the same as the term of the lease [24 CFR 982.451(a)(2)].

The City is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.

The City will make a best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract <u>must</u> be executed no later than 60 calendar days from the beginning of the lease term.

The City will not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the City will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

Any HAP contract executed after the 60 day period is void, and the City will not pay any housing assistance payment to the owner.

A family may not receive the benefit of HCV tenant-based assistance while receiving the benefit of any other housing subsidy, for the same or for a different unit.

A. Owner Requirements

Owners who have not previously participated in the HCV program must attend a meeting with the City in which the terms of the Tenancy Addendum and the HAP contract will be explained. The City may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCV program.

The owner and the assisted family will execute the dwelling lease and the owner must provide a copy to the City. The City will ensure that both the owner and the assisted family receive copies of the dwelling lease.

The owner and the City will execute the HAP contract. The City will not execute the HAP contract until the owner has submitted IRS form W-9 and any other documents required to confirm ownership. The City and the owner will execute the HAP contract immediately following completion of all leasing requirements and the family is ready to move into the unit.

B. Security Deposit

The owner may collect a security deposit from the participant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted residents in the same complex. When the resident moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the participant, damages to the unit or for other amounts the family owes under the lease. The owner must give the participant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the resident in compliance with State law. If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

Section III. Housing Assistance Payments to Landlords

A new HAP contract may begin when all program requirements have been met. The City monitors its housing assistance payments to ensure system accuracy, timeliness and integrity. All payments to Landlords and Families are made by direct deposit, processed and prepared through The City's Finance Department, independent of the HCV Program. Payments are computed according to HUD approved formulas and schedules. The HCV Manager maintains records of each Landlord's Tax Identification Number or Social Security number.

A. Monthly Housing Assistance Payment (HAP)

Housing Assistance Payments are credited to the Landlord's bank account the first week of every month. A statement detailing payment activity is e-mailed to to the landlord. Utility payments to Families are mailed directly to the Family at the assisted address during the same time frame.

All HAPs made by The City to the Landlord are deemed received by the Landlord when the funds are deposited by The City pursuant to a Direct Deposit Agreement, when the funds are wired by The City to the Landlord's bank.

B. Late Payments

The first HAP for a new contract will be received no later than two calendar months following the execution of the HAP contract. All other payments will be received by the fifth day of each calendar month. The City shall pay a late fee of \$25.00 for HAP's not received (as defined above), due to factors within The City control. No other late fees will be paid. This payment is made upon request from Landlord, provided he/she has a policy and practice of collecting late fees from private market Families residing in his/her units.

No late fee will be assessed or paid by The City if the payment is received late due to factors beyond The City's control or receipt of late payment is due to an adjustment in either the amount of contract rent to the Landlord or the HAP to be made by The City.

C. Information the City Shares with Landlord

The City will provide the Landlord with the Families' current address, as shown in The City's records, and the name and address, if known, of the Families' current and previous Landlord.

D. Changes in Lease or Rent

Owners may not change the terms and conditions of the lease during the initial lease period, including change of ownership. After the first lease period if the participant and owner agree to any changes in the lease, all changes must be in writing, and the owner must immediately give the City a copy of the changes. The lease, including any changes, must be in accordance with this Administrative Plan.

Owners must request a change in the amount of the rent from the City at least sixty (60) calendar days before the changes go into effect. Such changes are subject to the City determining them to be reasonable.

Assistance shall not be continued unless the City has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner if any of the following changes are made:

- Requirements governing participant or owner responsibilities for utilities or appliances;
- If the participant moves to a new unit, even if the unit is in the same building or complex.

Owners wishing to change ownership must receive the written permission of the City prior to assigning a HAP contract. The owner shall inform the City of the impending change and give the City thirty (30) calendar days to review the prospective owner to make sure they are appropriate. The new owner shall meet the same criteria as the existing owner. Approval shall not be unreasonably withheld.

Section IV. Landlords' Partner Portal

The Partner Portal is a tool of the software provider, Emphasys Elite which allows landlords to manage their assisted property information online. Landlords may review financial payment histories, monitor inspection details, retrieve payment statements and generally manage any units listed with the voucher program,

The City will charge each landlord an annual fee to use the Portal. The fee will be deducted from the Housing Assistance Payment on a designated date each year. Prior to the deduction, Landlords will be reminded.

The City has implemented mandatory direct deposit of HAP for landlords. No hard checks will be generated. Landlords must establish a financial depository account. Landlords The revenue generated from use of the Portal will be added to the Administrative Operating budget for use in the Section 8 program operations.

Section V. Annual Renewals

The City provides owners the opportunity to renew or terminate HAP contracts at least sixty (60) days prior to the contract end. This procedure will be available through the website and/or the Partner Portal

Chapter 9 ANNUAL RECERTIFICATIONS

The City will re-examine income, assets, allowances, deductions and Family composition for all Housing Choice Voucher Families at least annually to determine continued eligibility for Housing Choice Voucher rental assistance. The City will send to the Family and landlord the Annual Renewal packet to be completed and returned with supporting documents as requested.

If the City has previously entered into a repayment agreement with a family, all delinquent balances owed by the Family will be collected at the annual interview. All payments must be paid promptly as required under the repayment agreement. Families failing to pay the entire amount of the debt within the twelve-month period will be terminated from the Housing Choice Voucher Program at the effective re-examination date. The City demands payment in full for debts incurred. No Repayment Agreements are executed. Collection efforts will be pursued by the HCV program staff or a third-party collection service. The City may refer cases with debts over \$10,000 to the Office of Inspector General (OIG) and to local legal officials.

Section I. Annual Activities

The City will begin the annual reexamination process 120 days in advance of its scheduled effective date. Generally, the City will schedule annual reexamination effective dates to coincide with the family's anniversary date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

A. Reexamination of Income, Assets and Family Composition

Families are required to participate in an annual reexamination interview, which must be attended by the head of household and spouse, or co-head and all adult family members. Recertifications are held in the participant's home unless changed at the Housing Assistance Officer's discretion.

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family must contact the City in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, the city will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without approval, or if the notice is returned by the post office with no forwarding address, a notice of termination will be sent to the family's address of record, and to any alternate address provided in the family's file.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and the City must execute a certification attesting to the role and assistance of any such third party.

B. Required Documents

Families are required to provide updated information to the City regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

Families will be asked to return all requested documents to the Housing Officer on or before the deadline date specified. Failure to return the recertification documents could lead to termination . The required information will include a City-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

If the family is unable to obtain the information or materials within the required time frame, the family may request a five (5) day extension.

The family will be sent a notice of termination if the family does not provide the required documents or information within the required time frame (plus any extensions).

C. Criminal History Search

The City will conduct a criminal background check for every member of the Family 18 years of age and older at the time of annual re-examination. The City will terminate assistance if any member of the Family engaged in criminal activity that includes drug-related crimes, violent crimes, crimes against persons or property and activities that threatened the health, safety, welfare and/or peaceful enjoyment of the housing by other residents within the previous year. This includes all activity for which admission is denied.

The City will research the national sex offender database to determine if any adult family member is subject to registration as a lifetime sex offender. The search will be conducted all adult family members currently housed; members selected from the waiting list; and families porting into the City's jurisdiction from other areas.

D. Rent Adjustments to the Landlord

Rent adjustments must be requested at least sixty (60) days before the effective date. Any approved amount would become effective on the Family's anniversary date. Upon receipt of a written request for a rent increase, the City will conduct a Rent Reasonableness survey and certification. If the requested amount is reasonable, it will be approved. If it is not reasonable, another lower amount may be awarded, or the request will be denied if the current rent is at or above the reasonable rent.

The owner will be advised of the procedures at the same time the Family is notified of the annual recertification appointment. This will allow time to process the certification and rent analysis before the effective date.

Section II. Annual Effective Dates

In general, an increase in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.

If the City chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the City, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, increases in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies.

In general, a decrease in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date.

If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

If the family causes a delay in processing the annual reexamination, decreases in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the City by the date specified, and this delay prevents the City from completing the reexamination as scheduled.

The City will not allow family-caused delays to create a delinquency in completing and reporting annual reexaminations to the Public Information Center (PIC). On the family's anniversary date, the report to PIC will reflect a completed reexamination or termination.

Section III. ZERO INCOME FAMILIES

Families reporting no household income will be required to document how the family pays for necessary living expenses. If it is determined that the family is receiving regular monetary or non-monetary contributions and/or gifts from non-household members, the value of these gifts will be annualized to estimate household income.

If it is determined that the family receives no income from gifts, contributions, or any other source, the family will be required to complete, sign and date the Certification of Zero Income Form. Such families will be required to provide documentation to the City every 90 days that all normal household expenses such as food, utility bills, telephone bills, cable bills, car payment, and car/life insurance payments are being paid and documentation showing where the money comes from to pay these expenses. Zero income families will be reevaluated every 90 days to determine if there are any new sources of income including an inquiry to the Department of Labor. Failure to provide required information may be cause for termination of rental assistance.

Chapter 10 MOVES WITH CONTINUED ASSISTANCE

Families in the Housing Choice Voucher Program may request to move at the time the Annual Recertification interview occurs. Upon request for relocation, The City will conduct a criminal background check for every member of the Family 18 years of age and older. If any Family member is found to have engaged in criminal behavior as outlined in this Plan, The City will deny the Family's request to relocate and terminate Housing Choice Voucher assistance.

Families may move anywhere within the United States and U.S. territory where a Housing Choice Voucher program is administered. Families who wish to move out of The City's jurisdiction may do so utilizing the portability feature of their voucher. The Family will provide a minimum of sixty (60) days advance written notice to the City and to the Landlord before The City will issue a voucher to move. Families must honor the date of intended move-out by remaining in the current unit until the month indicated in the notice to the Landlord. Families who move into a new unit early will be responsible for the entire rent to the Landlord until the new contract is executed.

A Family in non-compliance with a promissory note, a debt to the landlord and/or an agreement to repay a bad debt with The City will not be permitted to move until the debt is brought current under the terms of the agreement.

The City will not relocate a Family evicted by a Landlord for serious or repeated violations of their lease agreement.

Upon execution of the Housing Assistance Payment (HAP) contract in the new unit, the Family's recertification anniversary date will change, if necessary.

Section I. Exceptions to the Move Restriction

Families who are currently receiving assistance and have not violated any of the Family Obligations may relocate at any time one of the following conditions exists:

- Families have not resided in their present unit for the required amount of time under their current lease, but have obtained the Landlord's written approval to terminate the lease due to extenuating circumstances that require the Family to move. Such moves require the review and approval of the Manager of Housing Choice Voucher division;
- The unit has failed an HQS inspection and the Landlord failed to correct the deficiencies within the timeframe allowed for correcting identified problems;
- The unit has been damaged or destroyed by fire or natural disaster;

- The Landlord does not wish to continue participating in the Housing Choice Voucher Program (federal regulations prohibit a Landlord from leaving the Housing Choice Voucher Program during the first year of occupancy by a Section 8 participant);
- The City determines the Landlord has breached the contract;
- Families have been evicted by the Landlord for reasons that do not violate the terms of their Family obligations as set forth in 24 CFR 982.551, as amended;
- Documentation that a family member is a victim of Violence Against Women Act is provided to the City.

A. Restriction on Relocations

The City will limit the number of times the Family may search for housing to once every 12 months, except in circumstances where:

- Families can no longer reside in the unit due to medical conditions verified by a physician and relocation is necessary as a reasonable accommodation;
- there is an imminent threat to the health and safety of the Family; or
- the rate of crime in the area is higher than The City wide average for six consecutive months.

B. Termination of Housing Assistance Payments [24 CFR 982.311(d)]

When a family moves out of an assisted unit, the City will not make any housing assistance payment to the owner for any month after the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

Section II. Portability

In accordance with 24 CFR 982.353 (b)-(f) and 982.355, The City will offer portability assistance to eligible Families to move outside its jurisdiction and administer portability vouchers of Families moving to The City jurisdiction from other jurisdictions.

A. Families Porting Out of The City's Jurisdiction

Families living in The City jurisdiction at the time of initial application for Housing Choice Voucher assistance may move out of the jurisdiction with the initial voucher. The City will provide the Family with information on how to contact the Receiving Housing Authority and any details regarding appointments and briefing schedules.

Families living outside The City jurisdiction at the time of initial application must lease within The City jurisdiction for at least one year before being eligible for portability assistance.

The City will initially request in writing from the receiving housing authority if the PHA will administer or absorb porting families and the current payment standard.

If it can be documented that The City has insufficient funding for continued assistance, The City will prohibit Families from porting to jurisdictions with a higher payment standard if the receiving housing authority will not absorb the Family. The City will document that the balance of the annual funding allocation is only sufficient to cover the remaining costs of housing the current participants before denying the portable move.

B. Families Porting into the City's Jurisdiction

The City will administer the port in voucher and bill the initial housing authority for HAP payments made on behalf of portable Families. The City will determine the Family unit size in accordance with its Subsidy Standards. The City will request criminal background reports of all family members age 18 and over. If any records indicate criminal activity of any family member that prohibits the family from receiving housing assistance in a federal program, the City will deny the family admission to the city program and will return the portability documents to the initial PHA with an explanation.

If the City elects to deny or terminate assistance for a portable family, the City will notify the initial PHA within ten (10) business days after the informal review or hearing if the denial or termination is upheld. The City will base its denial or termination decision on the policies set forth in its Administrative Plan. The City will furnish the initial PHA with a copy of the review or hearing decision.

The City will perform all administrative duties for the portable family and promptly submit recertification, relocation and termination activities to the Receiving Housing Authority.

C. Voucher Issuance

The City will provide the voucher to eligible Families moving into the jurisdiction in accordance with 24 CFR 982.355. Families must attend a briefing before being issued a City voucher to search for housing; however, the term of the voucher will coincide with the voucher issued by the initial housing authority. The initial housing authority must approve any voucher extension. Before the City will accept Families from housing authorities that are not current with reimbursements, the Initial housing authority must pay all debts.

If the City needs to maximize voucher utilization quickly, the City will absorb the needed number of portability families using a specific methodology. The criteria will be to (1) consider

working families from neighboring PHAs, (2) working families from PHAs that have absorbed our families, and (3) families from PHAs that will agree to an exchange-absorb one for one.

When administered Portability families request to move from the City's jurisdiction, the City will send the official paperwork to the Initial PHA to complete any further moves.

If the initial PHA has grounds for denying or terminating assistance for a portable family that has not been absorbed by the receiving PHA, the initial PHA may act on those grounds at any time.

Section III. Interim Re-examination

Families are required to report changes in the source of income, decreases in Family income, increases in family income and changes in Family composition within ten (10) business days of the change. When Families report a change that will affect the Family's share of rent, The City will make interim adjustments to the amount of the Total Tenant Payment and the amount of the HAP.

All increases in household income must be reported and the amount verified. New income from any source for any family member will be considered and a new rent determination will be conducted in accordance with regulations for included income.

An increase in the family share of rent will become effective following a thirty (30) day written notice to the family and landlord.

An income change that results in a decrease in rent to the family will become effective the first day of the month following a ten (10) day period for third-party verification and processing. Families must continue to pay their original rent portion to the Landlord until such time as the new rent takes effect.

A. Addition to Household

Families must request City approval to add a spouse of the Head of Household, live-in aide, foster child, or foster adult. This refers to any person not on the lease who is expected to stay in the unit for more than 30 consecutive days, or 90 cumulative days, within a twelve month period. Requests must be made in writing and approved by the City prior to the individual moving in the unit.

The city will not approve the addition of a new family or household member unless the individual meets the City's eligibility criteria.

The City will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

If the City determines an individual meets the City's eligibility criteria, the City will provide written approval to the family. If the approval of a new family member or live-in aide will cause

overcrowding according to HQS standards, the approval letter will explain that the family will be issued another voucher and will be required to move.

B. Departure of a Family or Household Member

Families must promptly notify the PHA if any family member no longer lives in the unit. Because household members are considered when determining the family unit (voucher) size, the City also needs to know when any family member, live-in aide, foster child, or foster adult ceases to reside in the unit.

If a household member ceases to reside in the unit, the family must inform the City within ten (10) business days of the event. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.

C. Failure to Timely Report Changes

If it is found that a participant family has misrepresented or failed to report facts upon which rent is based so that the family is paying less than they should be paying, the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid; and the family will be recommended for termination of assistance and criminal penalties due to misrepresentation.

The City will not process interim re-examinations when the Family reports a loss of welfare benefits due to fraud or a failure to participate in self-sufficiency or work activity.

D. Mandatory Interim Examinations

The City will initiate interim reexaminations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), the City will conduct an interim reexamination at the start and conclusion of the second 12 month exclusion period (50 percent phase-in period).

If the family has reported zero income, the City will conduct an interim reexamination every three (3) months as long as the family continues to report that they have no income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the City will conduct an interim reexamination.

The City may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Section IV. Zero Income Families

The City will conduct a review of income, assets and family composition every ninety (90) days for Families reporting no continuing source of income, until it can be established that the Family has a continuing source of income. The quarterly review will require the Families to complete a PDQ, Zero Income Certification and No Income Interview Questionnaire.

If at any time during the re-examination a continuing source of income is established, The City will adjust the Family's share of rent and the HAP to the Landlord. A thirty (30) day written notice will be given to both parties.

Chapter 11 PROGRAM INTEGRITY

The integrity of the voucher program will be monitored through the use of quality control measures conducted by supervisory or management staff on a monthly basis and through inquiring questionnaires used by Housing Assistance Officers when interviewing Families.

A sample of twenty (20) family files will be randomly selected quarterly for management review of SEMAP requirements. Periodically, files will be selected for Rental Integrity Monitoring purposes in which the HUD form Appendix A will be used.

Section I. Housing Integrity Standard - Family

Initial examination and re-examination of the Family's income and composition are conducted for all participants assisted through The City Housing Choice Voucher program. In addition, Families are required to report changes in family income, in the source of income, decreases in income, or Family composition within ten (10) days of the event. During these reexaminations, all Family members must disclose all sources of income and identify the household composition. Failure to accurately report and provide documentation of this information is a violation of the Family Obligations as stipulated in 24 CFR 982.551.

A. Program Abuse

Program abuse occurs when the Family unknowingly, through no fault of their own, fails to timely report changes within the time allowed and realizes a financial benefit from their failure to timely report changes. A family may be permitted to repay any over subsidy within a thirty-day period. Failure to pay could result in termination.

B. Acts of Fraud

Fraud occurs when deceit or trickery is deliberately practiced in order to gain some advantage dishonestly, or willful and intentional deception. Fraud occurs when false statements or documents are submitted to avoid an increase in rent or reduce the current rent amount. Fraud also occurs when the Family fails to report changes in household income or composition during an annual or interim reexamination. The Family will be terminated and permanently banned from program participation for acts of fraud or misrepresentation. Blatant violation of the Family Obligations is considered as fraud.

C. Identifying Abuse and Fraud

Information in the Family's file will be compared with the allegations. No action will be taken if discrepancies are not found. The following tools may be used to investigate and resolve discrepancies:

• Tenant Assessment Sub-System

The Tenant Assessment Sub-System (TASS) accessible through HUD's web page provides upfront verification of social security and supplemental income benefits. The system generates reports to identify discrepancies between the Social Security Administration records and information provided by the Family.

• Credit Reporting Agency

The City retains membership with a credit-reporting agency to obtain credit reports for Families suspected of misrepresenting income.

• Shared Participant Program

Tenant Check TM is a free internet service utilized by housing authorities to record the names of program participants that were terminated for violating the Family Obligations as stipulated in 24 CFR 982.551.

• Employment Income Verification (EIV)

Data provided by HUD specifying income of the Family member. The data is available through HUD via electronic transmission as designed and managed by HUD.

D. Resolving Abusive and Fraudulent Practices

All allegations of program abuse or Fraud will be addressed by the Manager of HCV. The City will document the complaint on the <u>Allegation of Suspected Program Fraud</u>, <u>Abuse and Criminal Activity</u> reporting forms. The consequences of committing program abuse or Fraud will be enforced according to guidelines established in The City's procedure on Fraud and Abuse.

Unauthorized Occupants

Quality Control reviews will be conducted on site in conjunction with quality control inspections. Allegations of unauthorized occupants and observations of staff during annual or interim reviews will trigger a quality review.

Section II. Housing Integrity Standard for Landlord

Actions by Landlords considered a breach of the HAP contract are identified in 24 CFR 982.453(a). Under the regulation, housing authorities are authorized to exercise specific remedies against any Landlord that breaches the contract. The City's rights and remedies against the owner under the HAP contract include recovery of overpayments, abatements, or other reductions of housing assistance payments, termination of housing assistance payments and termination of the HAP contract. The City shall place Landlords on probation or ban Landlords from participation in the Housing Choice Voucher Program for a breach of the HAP contract.

Landlords may be banned for a period of up to one year. The City will ban landlords that have a history of practicing the following activities:

A. Landlords Failure to Enforce the Lease

The Landlord must effectively manage his/her property. The Landlord must evict Families when the Head of Household, household member, guest or a person under the control of the household engages in activity that:

- threatens the right to peaceful enjoyment of the premises by other residents;
- threatens the health or safety of other residents, or Landlord's employees or managers of Landlord's property; or
- threatens the health or safety of other residents, or the right to peaceful enjoyment of their residents, by persons living in the immediate vicinity of the premises.

B. Landlord's Failure to Maintain Housing Quality Standards HQS)

The Landlord must maintain the assisted unit and premises in accordance with HQS, and supply utilities when the lease does not determine that the Family is responsible for the utility payments needed to comply with HQS. Units that consistently fail HQS, or that have structural, site or mechanical problems will be reviewed by the HCV Manager and are subject to be banned for up to one year.

The City will review the adequacy of security and police activity at units leased by the Families. If The City believes that the security is inadequate based on established guidelines, the RFTA will not be considered for the unit, banning it from leasing for a period of up to one year.

The following action will be taken if the landlord fails to bring the unit under compliance with HQS.

Abatement

The City will not make housing assistance payments to Landlords for units that do not meet HQS, unless the Landlord corrects the defects within the allowed time frame.

• Relocate the Family

The City will offer the Family a voucher to move from an abated unit due to Landlord's continuous failure to correct HQS deficiencies. The HAP contract will be terminated the last day of the month following the sixty-day (60) abatement period, or when the Family moves, whichever comes first.

• Unit Banning

Failure to correct life threatening deficiencies or conditions that render the unit uninhabitable may result in the unit being banned from participation in the program.

C. Unlawful Eviction

The City will not make any housing assistance payments if the contract unit does not meet Housing Quality Standards (HQS). During the period in which rental payments are abated, Landlords may not charge Families for the HAP portion, nor may Landlords evict Families for nonpayment of rent if Families have paid their portion of rent during the abatement period.

D. Program Fraud

The Landlord must comply with all provisions of the HAP contract to receive continuous housing assistance payments. If The City has reason to believe that Landlords have engaged in any of the following activities, The City will refuse to accept any additional Request For Tenancy Approval from the Landlord, or the Landlord's agents, and will cancel the HAP for any units owned or managed by the Landlord when the contract expires. The following violations will result in the permanent ban of the Landlord from participation in the program.

Side Payments

The Landlord may charge a reasonable contract rent for the assisted unit. This amount may not be altered without the written consent of The City, and the Landlord may not collect any additional amount from the Family or any other source while receiving Housing Choice Voucher rental assistance.

• Bribery of The City Employee or Agent

The Landlords must not falsify any documents to participate in the program, offer incentives to any The City staff in exchange for preferential treatment, or misrepresent themselves in any manner to gain a benefit from the program.

Leasing to Relatives

Landlords may not be the parent, child, grandparent, grandchild, spouse, sister or brother of any member of the Family, unless the unit provides a reasonable accommodation for a disabled Family member. The City requires written documentation of the disability.

• Misrepresenting Ownership Interest in Units

The City will request proof of ownership and a business address prior to the approval of the Family for tenancy. Landlords must not misrepresent ownership interest in units.

• Knowingly Collecting HAP for Vacant Units.

Landlords must report to the City when a unit is vacated and may not knowingly collect HAP for vacant units. Any HAP paid for vacant units will be recouped from other owner units or at the first available time the unit returns to the program.

• Engaging in Criminal Activity

If The City has reason to believe that Landlords of property assisted through the Housing Choice Voucher Program have engaged in drug-related or violent criminal activity, The City will give Landlords and Families a thirty-day (30) written notice of termination of HAP. The eligible Families will be required to move from the units or remain without rental assistance. The City will permanently ban Landlords from participation in its housing programs and refer the case to the HUD Office of the Inspector General (OIG).

Chapter 12 FAMILY TERMINATIONS

HUD regulations specify the reasons for which the City can terminate a family's assistance, and the ways in which such terminations must take place. They also dictate the circumstances under which an owner may terminate the tenancy of an assisted family. The City will terminate the participation of Families for any violation of program rules including but not limited to the reasons as documented in 24 CFR.982.551, 982.552, or 982.553.

HUD <u>requires</u> the City to terminate assistance for certain offenses and when the family no longer requires assistance. HUD <u>permits</u> the City to terminate assistance for certain other actions family members take or fail to take. In addition, a family may decide to stop receiving HCV assistance at any time by notifying the City

Section I. Voluntary Terminations

As a family's income increases, the amount of PHA subsidy goes down. If the amount of HCV assistance provided by the City drops to zero and remains at zero for 180 consecutive calendar days the family's assistance terminates automatically.

If a participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero, the family must notify the PHA of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.

The family may request that the City terminate the family's assistance at any time. The request to terminate assistance should be made in writing and signed by the head of household, spouse, or co-head.

Section II. Mandatory Terminations

HUD requires the City to terminate assistance in the following circumstances.

A. Eviction [24 CFR 982.552(b)(2)]

The City must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease.

A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. However, the PHA will determine whether the family has committed serious or

repeated violations of the lease based on available evidence and may terminate assistance or take any alternative measures.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used are whether the reason for the eviction was through no fault of the tenant or guests.

B. Failure to Provide Consent [24 CFR 982.552(b)(3)]

The City will terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a reexamination.

C. Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

The City must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the City, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For (3) above, such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

D. Failure to Provide Social Security Documentation [24 CFR 5.218(c)]

The City will terminate assistance if a participant family fails to provide the social security card for all family members. E. Methamphetamine Manufacture or Production [24 CFR 983.553(b)(1)(ii)]The City will terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

Section II. Mandatory Policy Decisions on Terminations [24 CFR 982.553(b) and 982.551(l

Under HUD requirements, the City has established policies that permit the City to terminate assistance if it is determined that any family member has violated any of the conditions under the regulations.

A. Illegal Use of Drugs or Alcohol

The City will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous year.

The City will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

In making its decision to terminate assistance, the City will consider alternatives and other factors. Upon consideration of such alternatives and factors, the City may, on a case-by-case basis, choose not to terminate assistance.

B. Pattern of Abuse of Alcohol

The City will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. Records of arrest for driving under the influence or alcohol-related activities will be considered.

C. Drug-Related Criminal Activity

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802). Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

The City will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

D. Violent Criminal Activity

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

The City will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

The City will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

Section III. Permissible Reasons for Termination of Assistance [24 CFR 982.552(c)]

HUD permits the City to terminate assistance under a number of other circumstances. It is left to the discretion of the City whether such circumstances in general warrant consideration for the termination of assistance.

The City will terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency voucher programs.

The City will terminate a family's assistance if:

- The family has failed to comply with any family obligations under the program. Any family member has been evicted from federally-assisted housing in the last five years.
- Any PHA has ever terminated assistance under the program for any member of the family.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.
- The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family has breached the terms of a repayment agreement entered into with the City.
- The family violates the Good Neighbor Policy—Addendum 1

A family member has engaged in or threatened violent or abusive behavior toward City personnel.

Abusive or violent behavior towards City personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

A Family Absence from the Unit [24 CFR 982.312]

The family may be absent from the unit for brief periods. The City has established a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit. If the family is absent from the unit for more than sixty (60) consecutive calendar days, the family's assistance will be terminated. Under circumstances in which the City has approved a single family member to be absent for a longer period, the family will not be terminated from the program until 180 days has elapsed.

B. Investigation of Allegations

When the City receives an allegation that a family has violated one or more of the stated provisions, an investigation will be conducted to gather information to support or refute the charge. If the allegation is supported, the City will advise the family in a letter that there is evidence of unacceptable activities by a family member and the assisted family will be terminated from the voucher program. Only after the evidence has been thoroughly examined will the family be notified of the pending action

Section IV. Alternatives to Terminating Assistance

The PHA is required by regulation to terminate a family's assistance if certain program rules are violated. For other types of offenses, the regulations give the PHA the discretion to either terminate the family's assistance or to take another action. This part discusses the various actions the PHA may choose to take when it has discretion, and outlines the criteria the PHA will use to make its decision about whether or not to terminate assistance.

A. Change in Household Composition

As a condition of continued assistance, the City may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon request.

B. Repayment of Family Debts

If a family owes amounts to the a landlord, for circumstances that were not a lease violation, as a condition of continued assistance, the City will require the family to repay the full amount to the landlord within 30 days of receiving notice of the amount owed.

C. Return Portable Families to Original Housing Authority

The City may offer administered families the opportunity to return to their original jurisdiction for violations other than fraudulent or criminal, if the initial housing authority is willing to accept them.

Section V. Criteria to Decide to Terminate

For criminal activity, HUD permits the City to terminate assistance if a preponderance of the evidence indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

A. Preponderance of Evidence

The City will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

B. Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

The City is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated. The City will consider the following factors when making its decision to terminate assistance.

- The seriousness of the case, especially with respect to how it would affect other residents;
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure;
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities;
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future;
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

The City will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully. The facility must be one located in the state of Georgia and recognized as a certified medical program with a successful rating. If this is an adult who has previously left the household, the family member may not return.

C. Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, the PHA's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, the City will determine whether the behavior is related to the disability. If so, upon the family's request, the City will determine whether alternative measures are appropriate as a reasonable accommodation. The City will only consider accommodations

that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance.

Chapter 13 INFORMAL HEARINGS

The Hearing Officer(s) designated by the HCV Manager will conduct informal hearings for participating Families who have been recommended for terminated from the Housing Choice Voucher Program. Request for an informal hearing must be submitted, in writing, to the associated Housing Assistance Officer within ten (10) calendar days of the notification of termination. When Families request a hearing, The City will schedule the hearing on the next preset hearing date. Hearings are held once monthly. The scheduled hearing date, time and place will be sent to the Family's mailing address indicated on the request. The Head-of Household must appear in person. The Hearing Officer only upon showing good cause by the Family shall grant requests for postponement of a hearing. Families requesting an informal hearing will be heard before terminating HAP to the Landlord.

If Families choose, they may also have an attorney or a representative(s) present at the hearing, at their own expense; however, an attorney or representative is not required.

Families and/or the Families' representative(s) may examine documents that are directly relevant to the hearing. Copies of the documents, records, and policies of The City that are relevant to the hearing will be made available to the family. Any document not made available at the Families' request may not be referred to by The City in the hearing.

The City may examine records and documentation provided by Families prior to the hearing. The City may make copies of this documentation. In the hearing, Families may not refer to any document not made available at The City's request.

Section I. Matters Subject to Appeal

Pursuant to 24 CFR 982, The City will give Families participating in its Housing Choice Voucher Program, an opportunity for an informal hearing to consider whether decisions relating to a Family's assistance are in accordance with the law, HUD regulations and The City policy. Participating Families may request a hearing to consider:

- a determination of the amount of the Family's share of the rent and resulting HAP;
- a determination of the Family's utility allowance for Family-paid utilities, from the utility allowance schedule;
- a decision to terminate assistance on behalf of the Family because of the Family's action, or failure to act;

- a determination that the Family's certification for a unit with a larger number of bedrooms than appropriate under The City standards and The City determination to deny the Family's' request for an exception from the subsidy standards; and
- a decision to terminate assistance to the Family because of the Family's absence from the unit for a period longer than three (3) weeks.

Section II. Matters Not Subject to Appeal

The City will not convene a hearing for any of the reasons listed below:

- review discretionary administrative determinations by The City, or to consider general policy issues or class grievances;
- review the determination of The City utility allowance schedule for participating Families;
- review The City determination that a unit does not comply with HUD's HQS, or the rental unit is not adequate because of an increase in Family size or a change in the Family's composition;
- review The City decision to exercise any remedy against the Landlord under an outstanding contract, including the termination of HAP to the Landlord;
- review The City decision not to approve a Family's request to extend or suspend the term of the voucher past the maximum time allowed under The City policy; or
- review a decision not to approve a lease.

The HCV Manager or his/her designee will review concerns pertaining to housing assistance payments, utility allowance, and the Family's share of the rent. All other matters shall be considered by The City's appointed hearing officer(s).

A. Appointment of Hearing Officer(s)

The HCV Manager shall request management level staff from neighboring public housing authorities or other housing related entities to serve as Hearing Officers.

B. Hearing Process

The hearing officer(s) shall act to maintain decorum and assure that all Families in the hearing have a reasonable opportunity to present relevant oral and documentary evidence. The hearing officer(s) may exclude any persons from the hearing for behavior that seriously obstructs the hearing. The City will designate a staff person to present the facts in support of the adverse determination and examine witnesses. The City has the burden of explaining the factual basis for its adverse decision.

The hearing need not be conducted strictly according to rules of law relating to the examination of witnesses or presentation of evidence, however, the hearing will be conducted in such a manner to ensure the Family's due process. Each party shall, prior to or during the hearing, be entitled to submit memoranda concerning any issue of law or fact and such memoranda shall become a part of the hearing record. The Hearing shall be recorded, transcribed and maintained as part of the Family records.

C. Hearing Decisions

The hearing officer(s) shall prepare a written decision with the reason(s) for the decision within ten (10) days after the hearing. The hearing officer(s) will affirm or reverse The City determination. The decision shall be based upon facts presented at the hearing and upon applicable City policies and HUD regulations as they relate to the reason(s) for the determination.

The hearing officer(s) will forward one copy of the written decision to the Housing Choice Voucher Program Manager.

The City is not bound by a hearing decision in matters:

- for which The City is not required to provide an opportunity for an informal hearing or otherwise in excess of the authority of the person conducting the hearing under the hearing procedures; or
- Contrary to HUD regulations or requirements, The City policy, or otherwise contrary to federal, state or local law.

Chapter 14 PROGRAM MANAGEMENT & MAINTENANCE

Under HUD regulations, voucher program administrators must determine what methods will be taken to continue to service families if the budget allocation is drastically reduced. The City will adopt measures at the direction of the HCV Manager to manage the operations within the confines of budget and regulations. In accordance with HUD requirements, the City will review all program components that affect the funding allocation before terminating any assisted families due to insufficient funding.

Section I. Reduction of Payment Standards

The City will lower the Payment Standards to the minimum of 90% of published FMRs.

Section II. Subsidy Standards Revision

The City will impose more stringent occupancy standards and disallow any additional occupants to the household

Section III. Voucher Management System (VMS)

The Voucher Management System (VMS) supports the information management needs of the Housing Choice Voucher Program (HCVP) and management functions performed by the Financial Management Division (FMD) and the Financial Management Center (FMC) of Public and Indian Housing. The primary purpose is to monitor and manage Public Housing Agency (PHA) use of vouchers. VMS collects PHA data that enables HUD to fund, obligate and disburse funding in a timely manner based on actual PHA use.

The web-based VMS application facilitates electronic submission of monthly program data by PHAs. The City submits program data of voucher units leased, funds expended and forfeited and financial balances monthly. The program requires that the use of funds is attributed to the effective month, rather than the actual month funds are spent; therefore, it is necessary to make adjustments to previously reported data; this is called accrual accounting. The City will limit the accrual accounting to no more than three (3) previous months.

Section IV. Threshold for Operating Reserves Expenditures

The City Manager and City Council authorizes all disbursements from the Administrative Fee Reserve account for expenses to support the Housing Choice Voucher program.

Chapter 15 FAMILY SELF-SUFFICIENCY PROGRAM

The City will strive to enhance and promote economic and social self sufficiency. The City will strive to meet mandatory targeting goals established by HUD and enter into mandatory cooperation agreements with service agencies to achieve HUD goals and objectives.

The City shall encourage Section 8 Program participants to enroll in the Section 8 Family Self Sufficiency Program to enhance the family's possibilities of becoming self sufficient and independent of government subsidies.

Section I. Targeting

The City will actively recruit working families that demonstrate a willingness to improve their quality of life by continuously working and increasing the household income and families that are interested in setting realistic goals towards financial self-sufficiency.

Section II. Self Sufficiency Cooperation Agreements

The City may enter into agreements with state, local and other agencies providing assistance to families under welfare or public assistance programs. The agreements shall facilitate the administration of this policy and the sharing of information regarding rents, income, assistance, or other information that may assist the City or welfare or public assistance agency in carrying out its functions.

The City shall also seek to include in cooperation agreements with welfare or public assistance agencies provisions to provide for economic self sufficiency services within the properties leased by participating families, provide for services designed to meet the unique employment related needs of residents, and provide for placement of work fare positions on site.

The Family Self-Sufficiency Action Plan is attached as Addendum 2 to this Administrative Plan.

Section III. Housing Choice Voucher Homeownership Program

The City will provide a limited number of tenant-based vouchers for homeownership opportunities for voucher holders participating in The City's Family Self-Sufficiency Program through the Housing Choice Voucher Homeownership Program. Families must be financially self-sufficient, having completed all training classes, paying at least 70% of rent to the landlord, have an established personal savings account with funds accumulated over a period of time, and be capable of becoming self-sufficient within five (5) years.

The participating Family is required to execute a Statement of Homeownership Obligations disclosure. In this statement, the Family agrees to comply with all Family obligations under the

homeownership option as stipulated in CF §982.551 and CFR §982.633 except §982.551(c), (d), (e), (f), (g), and (j). The Homeownership Officer will ensure that this statement is executed after the loan approval but before the loan closes.

The Homeownership Program Plan is attached as Addendum 3.

A. Supportive Services

HUD has expressed that quality counseling is imperative for successful low-income homeownership programs and the prevention of mortgage defaults. In the administration of the Program, The City has partnered with a local non-profit organization to provide first-time homeownership education to eligible Families. The City will continue to partner with other local non-profit counseling agencies, lenders, realtors and other public and private housing providers in the administration of the Program.

B. Housing Opportunities

The City maintains a verbal agreement with the Georgia Department of Community Affairs (DCA) to allow City families to purchase homes in its jurisdictions of Paulding and Douglas counties where homes are priced at a more affordable level for assisted families seeking to become homeowners.

C. Policy on Program Completion

The City will deny or terminate homeownership assistance if the Family does not comply with the voucher program requirements as defined in 24 CFR §982.552 or for criminal activity as defined by 24 CFR §982.553; or for failure to comply with Family obligations described at 24 CFR §982.551 and 24 CFR §982.633.

The City may terminate voucher homeownership assistance for the Family if the Family is disposed from the home pursuant to a judgment or order of foreclosure on any mortgage-securing debt incurred to purchase or refinance the home.

The City may permit a Family, subject to a foreclosure action, to move to a new property with voucher rental assistance. However, The City will deny such permission and terminate the Family's participation in the housing choice voucher program if the Family defaults on any mortgage loan and the Family fails to demonstrate that it has (1) Conveyed the title to the home to lender's designee, and (2) has moved from the home within the established period approved by the lender or the lender's designee.

Chapter 16 The Good Neighbor Policy

Addendum 1

Families that receive rental housing assistance through the Housing Choice Voucher Program (voucher) must adhere to the provisions of the Code of Federal Regulations at 24 CFR. 982.551, 24 CFR 982.552 and 24 CFR.553. These provisions authorize the housing authority to deny admission or terminate assistance to families because of the families' actions or failure to act.

The City of Marietta voucher program will enlist the support of the Marietta Police Department to monitor the actions or activities related to nuisances, crimes, abusive acts toward neighbors and City staff, unauthorized occupants, substance and alcohol abuses that occur at housing units assisted through the City's voucher program.

The voucher program will provide the Marietta Police a copy of assisted rental housing units administered by the City program. The list will be reviewed and updated twice annually.

Section I. Program and Police Jurisdictions

The City's Housing Choice Voucher Program has jurisdiction to assist families within the city limits of Marietta, Georgia, Unincorporated Cobb County, and the following cities: Acworth, Austell, Kennesaw, Mableton, Powder Springs and Smyrna.

The Marietta Police Department has jurisdiction within the city limits of Marietta only. Cobb County Police and local city police departments monitor criminal activities within their respective areas.

Section II. Disclosure and Access to the Address List

The Department of Development Services/Housing Choice Voucher Program maintains records of all families assisted through the voucher program. The records contain the personal information and address (es) of units leased by families and the property owner's information.

The voucher program will compile a list that includes the family's name, the leased unit address and the property owner's name. The list will be provided to the Marietta Police Department Designee twice annually or at any other time upon written request from the Chief of Police or his designee.

Section III. Use and Control of the Address List

The Marietta Police Department will be the custodian of the Address List. The Chief of Police or his Designee will be responsible for maintaining the security, accessibility and use of the list.

The list will be used as a preventive criminal maintenance tool. It will allow the police to provide the voucher program with immediate reports of neighborhood incidents which may threaten the health, safety, or peaceful enjoyment of the premises by residents or persons residing in the immediate vicinity; to monitor crime and crime trends in neighborhoods; and plan for special police coverage, when necessary. The MPD will also advise the voucher program of any reports of unauthorized occupants, drug-related or violent or criminal activity involving any of the assisted residents.

A. Cooperation with Other Police Agencies

The Marietta Police Department (MPD) will be the liaison between the voucher program and other police agencies. MPD has access to incident reports throughout the county. The voucher program Manager may request reports of incidents that occur atany unit that is assisted through the City's voucher program, the MPD Designee will provide a record of the incident and any follow up police enforcement reports.

B. Program Follow Up

At any time, the voucher Program receives reports or allegations of criminal or nuisance activity at an assisted unit, the family will be required to attend a conference with the program manager to respond to the allegations. This will be a preliminary measure to inform families of their responsibilities and warn them of the potential for severe enforcement if the incidents continue or escalate.

C. Enforcement Action

Families who are found to have violated the Family Obligations pertaining to peaceful enjoyment of premises or are engaged in activities or behavior as stated below will be recommended for termination from the program.

- 1. Drug-related activity
- 2. Violent criminal activity
- 3. Other criminal activity which may threaten the peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity

- 4. Participation in drug use, substance abuse or alcohol abuse that adversely affects the health or safety of peaceful enjoyment of the premises of other residents
- 5. Other criminal acts on or off the premises.
- 6. Harboring a felon
- 7. Unauthorized household occupants

Section IV. Requests and Reports

The voucher program will provide the Marietta Police Department a current Address List every six (6) months. At any other time a list is needed, the Designee will submit a written request. All police reports from all jurisdictions that involve any assisted family members will be transmitted through the MPD designee.